

Department of Community Planning and Economic Development – Planning Division
Variance and Minor Subdivision Application
BZZ-3199 & MS-156

Date: September 18, 2006

Applicant: Larry Moloney

Address of Property: 5134 Humboldt Avenue South

Project Name: Not applicable.

Contact Person and Phone: Dan Clausen – Allant Corp. 612-803-0062

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

Date Application Deemed Complete: August 16, 2006

End of 60-Day Decision Period: October 15, 2006

Ward: 13 **Neighborhood Organization:** Lynnhurst

Existing Zoning: R1 Single-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 36

Legal Description: See survey.

Existing/Proposed Use: Parcel A (north parcel) will be 7,194 square feet and contains a single-family home. Parcel B (south parcel) will be 5,496 square feet and is proposed for a new single-family home.

Concurrent Review:

Variance: To reduce the minimum required lot width from 50 feet to 43.5 feet.

Variance: To reduce the minimum required lot area from 6,000 square feet to 5,496 square feet.

Minor Subdivision: To create two parcels out of one parcel.

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent.” Chapter 598 Subdivisions.

Development Plan: Please see attached survey. A single-family home exists on the lot/parcel.

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Background: The proposed subdivision would create two parcels out of one parcel, made up of two platted lots. The current parcel is 100 feet wide and 128.73 feet deep. There is a single-family home on the lot. The applicant would like to create separate parcels; one for the existing single-family home and one for a new single-family home.

Both parcels will meet all of the requirements of the zoning code and the subdivision ordinance with the exception of the minimum lot area and width for Parcel B. The R1 district requires 6,000 square feet of lot area and 50 feet of lot width for single-family homes. Parcel A will have 7,149 square feet of lot area and 56.5 feet of lot width. Parcel B will have 5,496 square feet of lot area and 43.5 feet of lot width. Parcel B will need a variance from the required lot area of 6,000 square feet to 5,496 square feet and from 50 feet to 43.5 feet of lot width. The maximum that lot area and lot width can be reduced by variance is 30 percent. The lot area variance is an eight percent reduction and the lot width variance is a 13 percent reduction.

The new single-family home is subject to administrative site plan review for 1-4 unit dwellings. Staff has not received the plans for the new house but the applicant is aware of the standards.

As of the writing of this staff report, staff has not received any comments from the neighborhood group.

VARIANCES (to reduce the required lot area and width)

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.**

Parcel B does not meet the lot width and area requirements of the zoning code. The R1 district requires 6,000 square feet of lot area and 50 feet of lot width for single-family homes. Parcel A will have 7,149 square feet of lot area and 56.5 feet of lot width. Parcel B will have 5,496 square feet of lot area and 43.5 feet of lot width. Parcel B will need a variance from the required lot area of 6,000 square feet to 5,496 square feet and from 50 feet to 43.5 feet of lot width. The maximum that lot area and lot width can be reduced by variance is 30 percent. The lot area variance is an eight percent reduction and the lot width variance is a 13 percent reduction. Staff can find no reason why strict adherence to the zoning code would be an undue hardship or would be unreasonable.

- 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 one single-family home on one parcel made up of two platted lots. The applicant proposes to create two parcels; one for the existing single-family home and one for a new single-family home. The north parcel will meet the lot area requirements of the R1 District, but the proposed south parcel needs lot area and width variances. The existing parcel/lot is rectangular and flat and is similar to many lots in the area and slightly larger than others (please see plat map). Staff can find no unique circumstance. The need for the variance is created only by the desire to add a second structure to the site.

- 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 minimum lot area and width requirements is to provide reasonably sized lots that allow for adequate room for the principal and accessory structures, sidewalks and drives, and yards. While the south parcel is smaller than the required 6,000 square feet, it will be large enough for a future single-family home and garage without any other variances from the provisions of the zoning code.

The two variances together will create parcels that are smaller than the majority of lots in the area bounded by Knox Avenue to the west, Humboldt Avenue to the east, Minnehaha Creek to the north and 52nd to the south. These new parcels will be out of character with these larger lots that are typically 75 to 100 feet wide and average approximately 9,900 square feet (this site is not subject to the large lot average due to smaller parcels to the east of Humboldt). Granting this variance would 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 significantly increase traffic demand at the site. A single-family home already exists at the site. The variance should not 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.

Subdivision ordinance:

Both parcels will be in conformance with the requirements of the subdivision ordinance, if the variances are granted. Staff is not recommending approval of the variances.

Zoning code:

Parcel B does not meet the minimum lot area and lot width of the zoning code. The R1 district requires 6,000 square feet of lot area and 50 feet of lot width for single-family homes. Parcel A will have 7,149 square feet of lot area and 56.5 feet of lot width. Parcel B will have 5,496 square feet of lot area and 43.5 feet of lot width. Parcel B will need a variance from the required lot area of 6,000 square feet to 5,496 square feet and from 50 feet to 43.5 feet of lot width. Staff is not recommending approval of the variances, and without the variances the subdivision will not meet the minimum lot area and width requirements, so staff is recommending that the subdivision be denied as well.

Comprehensive plan:

The Minneapolis Plan does not have a designation for this area and the existing land use map in the plan shows the area as predominantly low density residential. The plan states the following about housing in Chapter 4:

“The diversity of Minneapolis housing reflects the diversity of its citizens. Minneapolis citizens are from different household sizes and have different means. Age, preferences in housing style, and individual needs also vary. The needs of many citizens are met in the existing housing stock. Housing in Minneapolis neighborhoods ranges from primarily owner-occupied single family homes, to areas where high-density residential development is the norm. Two-story homes, bungalows and Victorians dominate in different parts of town. Cooperatives, condominiums, and apartment buildings house many citizens. Newer developments are adding to this diversity with townhomes, row-housing, and planned residential developments that use common space in creative ways. Some of these are uniquely viable in Minneapolis because of its unique character as the center of the region.

While condition and management of housing requires ongoing attention in many parts of the city, the diversity of housing in and between neighborhoods is to be embraced and protected. The city’s amenities and its identity as the center of the region will continue to attract people with a diversity of needs and interests – from the working class, the creative class and the professional class. Choice in housing supports the vitality represented by this wide-ranging population.”

The plan has the following relevant policy and implementation step from the housing chapter four:

4.11 Minneapolis will improve the availability of housing options for its residents.

Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas.

Provide and maintain areas that are predominantly developed with single and two family structures.

Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

Promote accessible housing designs to support persons with disabilities.

Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.

Diversify the location distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods.

It is the staff opinion that the subdivision could be considered in conformance with the above noted language of the plan if it were just a simple creation of two parcels. However, this site, while not subject to the large lot provision of the subdivision ordinance, is in a small area south of Minnehaha Creek that is made up of larger lots. This subdivision will create two parcels that will be smaller than these parcels and that may be out of character with the area. The City is made up of different types of neighborhoods and areas with larger lots, particularly around the lakes, Minnehaha Creek, and the Mississippi River, are areas that the comprehensive plan indicates are necessary to preserve. For this reason, staff does not believe 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 proposed subdivision will create two parcels out of one parcel made up of two platted lots lot with an existing single-family home. With the variances the subdivision will create parcels that are smaller than the majority of lots in the area bounded by Knox Avenue to the west, Humboldt Avenue to the east, Minnehaha Creek to the north and 52nd to the south. These new parcels will be out of character with these larger lots that are typically 75 to 100 feet wide and average approximately 9,900 square feet (this site is not subject to the large lot average due to smaller parcels to the east of Humboldt).

The subdivision should have no effect on congestion, as it will not significantly increase traffic demand at the site. A single-family home exists at the site.

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. The site is in the SH Shoreland Overlay District.

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 significant change to the grading should be necessary. Access is currently from the alley and this will not change.

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 structures.

RECOMMENDATIONS:

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 **deny** the variance application to reduce the minimum required lot width from 50 feet to 43.5 feet for property located at 5134 Humboldt Avenue South.

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 **deny** the variance application to reduce the minimum required lot area from 6,000 square feet to 5,496 square feet for property located at 5134 Humboldt Avenue South.

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 **deny** the minor subdivision application for property located at 5134 Humboldt Avenue South.

Attachments:

- 1) Statements from applicant.
- 2) Zoning map.
- 3) Survey.
- 4) Photos.