

**Department of Community Planning and Economic Development – Planning Division**  
Variance and Minor Subdivision Application  
BZZ-3019 & MS-151

**Date:** June 26, 2006

**Applicant:** Duane Arens

**Address of Property:** 600 4<sup>th</sup> Street NE

**Project Name:** Not applicable.

**Contact Person and Phone:** Shafer Hartman – Hartman & Son Builders 612-201-2438

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

**Date Application Deemed Complete:** May 18, 2006

**End of 60-Day Decision Period:** July 17, 2006

**Date Extension Letter Sent:** June 13, 2006

**End of 120 Day Decision Period:** September 15, 2006

**Ward:** 3      **Neighborhood Organization:** St. Anthony West

**Existing Zoning:** R2B Two-family District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 14

**Legal Description:** See survey.

**Existing/Proposed Use:** Parcel A (easterly parcel) will be 6,633 square feet and contains a two-family home. Parcel B (westerly parcel) will be 4,257 square feet and is proposed for a new single-family home.

**Concurrent Review:**

**Variance:** To reduce the minimum required lot area from 5,000 square feet to 4,257 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 two-family home exists on the lot.

**Background:** This item was continued from the June 12, 2006 meeting of the City Planning Commission to allow the applicant to meet with neighbors. Additional material has been added to the staff report. The proposed subdivision would create two parcels out of one lot. The current lot is 66 feet wide and 165 feet deep. There is a duplex on the lot. The applicant would like to create separate parcels; one for the duplex 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 for Parcel B. The R2B district requires 5,000 square feet of lot area for a duplex that was legally established before 1995 and 5,000 square feet of lot area for single-family homes. Parcel A will have 6,633 square feet of lot area. Parcel B will have 4,257 square feet of lot area. Parcel B will need a variance from the required lot area of 5,000 square feet to 4,257 square feet. The maximum lot area and lot width can be reduced by variance is 30 percent. The lot area variance is a 15 percent reduction.

The lot is currently a reverse corner lot, so this split will not create a reverse corner lot or reverse frontage lot.

The new single-family home is subject to administrative site plan review for 1-4 unit dwellings. It appears that the home will meet 11 of the required 15 points, receiving points for the following: 5 for a basement, 4 for materials, and 2 for roof pitch. The applicant should be able to receive 3 points if the windows on the side and rear elevations are increased to 10 percent and 1 point for a deciduous tree in the front yard. This would provide the required 15 points.

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)**

#### **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.**

Both parcels will meet all of the requirements of the zoning code and the subdivision ordinance with the exception of the minimum lot area for Parcel B. The R2B district requires 5,000 square feet of lot area for a duplex that was legally established before 1995 and 5,000 square feet of lot area for single-family homes. Parcel A will have 6,633 square feet of lot area. Parcel B will have 4,257 square feet of lot area. Parcel B will need a variance from the required lot area of 5,000 square feet to 4,257 square feet. The maximum lot area and lot width can be reduced by variance is 30 percent. The lot area variance is a 15 percent reduction. The site is square and flat and is not smaller than lots in the surrounding area. Staff can find no reason why strict adherence to the zoning code would be an undue hardship or 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 duplex on one lot. The applicant proposes to create two parcels; one for the existing parcel and one for a new single family home. The easterly parcel will meet the lot area requirements of the R2B District, but the proposed westerly parcel needs lot area variance. The 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 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 westerly parcel is smaller than the required 5,000 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. However, it will have a small back yard that is only 9 feet deep. Granting this variance may circumvent the intent of the ordinance.

There are four smaller lots to the west that front on 6<sup>th</sup> Avenue NE, but there are larger homes and lots fronting on 4<sup>th</sup> Street NE. The new structure should not be out of character with the homes on 6<sup>th</sup> Street NE, but may be out of character with the larger homes on 4<sup>th</sup> Street NE.

- 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. The duplex already exist 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.**

Both parcels will be in conformance with the requirements of the subdivision ordinance and comprehensive plan. Both will be in conformance with the requirements of the zoning code with the exception of lot area for Parcel B. The R2B district requires 5,000 square feet of lot area for single-family homes and for a duplex that was legally established before 1995. Parcel A will be 6,633 square feet and Parcel B will be 4,257 square feet. The applicant has applied for a variance to reduce the required lot area of Parcel B. Staff is not recommending approval of the variance, and without the variance the subdivision will not meet the minimum lot area requirement, so staff is recommending that the subdivision be denied as well.

**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 lot with an existing two-family home. There are four smaller lots to the west that front on 6<sup>th</sup> Avenue NE, but there are larger homes and lots fronting on 4<sup>th</sup> Street NE. The new structure should not be out of character with the homes on 6<sup>th</sup> Street NE, but may be out of character with the larger homes on 4<sup>th</sup> Street NE. The subdivision should have no effect on congestion, as it will not significantly increase traffic demand at the site. The duplex already exist 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.

**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. Access is currently off of 6<sup>th</sup> Avenue NE and this will not change. The applicant proposes a shared drive for the two parcels.

**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 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 5,000 square feet to 4,257 square feet for property located at 600 4<sup>th</sup> Street NE.

**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 **deny** the minor subdivision application for property located at 600 4<sup>th</sup> Street NE.

**Attachments:**

- 1) Statement from applicant.
- 2) Neighborhood correspondence.
- 3) Zoning map.
- 4) Aerial photo.
- 5) Hennepin County map.
- 6) Survey.
- 7) Site plan and elevations.
- 8) Photos.