

Department of Community Planning and Economic Development – Planning Division
Minor Subdivision Application
MS-145

Date: March 27, 2006

Applicants: Gerald Mills

Address of Property: 533 Sheridan Avenue North

Project Name: Not Applicable

Contact Person and Phone: Gerald Mills, 612-723-0692

Planning Staff and Phone: Janelle Widmeier, 612-673-3156

Date Application Deemed Complete: February 24, 2006

End of 120-Day Decision Period: April 25, 2006

Ward: 5 Neighborhood Organization: Harrison Neighborhood Association

Existing Zoning: R1A Single-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 12

Legal Description: Please see attached survey.

Existing Use: Single-family dwelling.

Concurrent Review: Minor Subdivision.

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

Applicable Code Provisions: Chapter 598 Subdivisions.

Background: The subdivision consists of two lots combined as one tax parcel that contains a single-family home. The applicant proposes to create a new lot line that will split the parcel into two parcels. The existing single-family dwelling would remain on the south lot. The other lot would be sold for a new single-family home. An administrative site plan review is required by the zoning code for all new single-family dwellings.

Required Findings:

1. The subdivision is in conformance with the land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

Both parcels will be in conformance with the requirements of the zoning ordinance and comprehensive plan. Both lots are in conformance with the standards of the subdivision regulations, with the exception of required lot width. The R1A zoning district requires a lot width of 40 feet. In addition to this zoning code requirement, Section 598.240(2)[a] of the subdivision regulations require that lot width be increased by 10 feet when an alley is not provided. The two lots do not have access to an alley, so the lot width is required to be increased from 40 to 50 feet. Parcel A will have a width of 49 feet. Parcel B will have a lot width of 48.2 feet. Both parcels will require a variance from the minimum lot width provision. To grant a variance from the lot width and lot size requirement of the subdivision ordinance the following findings are required:

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The purpose of the lot width requirement is to provide room for driveways on lots where there is no alley access. Lot widths are required to be increased to allow for a driveway on the side of the house. The existing single-family dwelling has curb cut access from Sheridan Avenue on the South side of the dwelling and will remain for access to Parcel B. The 48-foot wide lot width is sufficient to meet access needs. Parcel A will be a corner property with frontage on 6th Avenue and Sheridan Avenue North. An existing driveway extends across Parcel A with curb cut access to Sheridan Avenue. Part of the driveway is in the right-of-way and runs parallel to the property and 6th Avenue North for approximately 75 feet. Sixth Avenue North is a MN Department of Transportation right-of-way. According to Public Works, the existing driveway for Parcel A will not be acceptable and any access from the right-of-way must be perpendicular to the property from either 6th Avenue or Sheridan Avenue North. Although the existing driveway would not be allowed for access, other access options are available. A 49-foot wide lot will be sufficient to provide access to the property and to meet all other zoning regulations such as required yards and minimum dwelling width. The granting of the lot width variances should have little affect on the surrounding properties.

- 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 split one parcel into two parcels; both suitable for single-family homes (one existing). This will not be out of character with the area and will not add significant congestion to the public streets.

- 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, soil conditions, improper drainage, steep slopes, utility easements, rock formations, 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 at this time and grading for a new single-family home would be minimal. The access to the Parcel B is existing. Parcel A will be a corner property with frontage on 6th Avenue and Sheridan Avenue North. An existing driveway extends across Parcel A with curb cut access to Sheridan Avenue. Part of the driveway is in the right-of-way and runs parallel to the property and 6th Avenue North for approximately 75 feet. Sixth Avenue North is a MN Department of Transportation right-of-way. According to Public Works, the existing driveway for Parcel A will not be acceptable and any access from the right-of-way must be perpendicular to the property from either 6th Avenue or Sheridan Avenue North. Although the existing driveway would not be allowed for access, other access options are available.

- 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 will not exceed the amount occurring prior to development.**

Existing utility and drainage provisions are adequate.

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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 **approve** the minor subdivision application for property located at 533 Sheridan Avenue North.

Attachments:

1. Statement from applicant.
2. Correspondence.
3. Hennepin County and zoning maps.
4. Survey.
5. Photo.