

Department of Community Planning and Economic Development – Planning Division
Variance and Subdivision Application
BZZ-1951 & PL-158

Date: September 27, 2004

Applicants: Brakins Homes

Address of Property: 908 Washburn Avenue North

Contact Person and Phone: Akinyele Akinsanya 763-847-1345

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

Date Application Deemed Complete: September 15, 2004

End of 60-Day Decision Period: November 14, 2004

Ward: 5 **Neighborhood Organization:** Near North

Existing Zoning: R1 Single-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 12

Comprehensive Plan: Residential.

Proposed Use: A replat of 5½ vacant lots into 4 lots to allow 4 single-family homes.

Concurrent Review:

Variance: To reduce the front yard setback from 35 feet to 25 feet.

Subdivision: To replat 5½ lots into 4 lots to allow 4 single-family homes.

Applicable Code Provisions: Chapter 525, Article IX Variances, Specifically Section 525.525(1) “to vary the yard requirements including permitted obstructions into required yards not allowed by the applicable regulations.” Chapter 598 Subdivisions.

Development Plan: The development plan shows the proposed development. The zoning will only allow single-family homes.

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Background: Brakins Homes proposes to build four new single family homes on the parcel of land at 908 Washburn Avenue North. This parcel is made up of 5½ substandard lots that are zoned R1A Single-family residential. The applicant proposes to replat the lots into 4 lots that will meet the standards of the zoning code and subdivision ordinance with the exception of lot width. Lots 2-4 will be 58 feet wide rather than the 60 feet required by the subdivision ordinance for lots that do not have alley access. A variance of the subdivision regulations is required to reduce the lot width. In addition, the proposed homes can not meet the setback established by the house immediately south of the site. The R1 District requires a 25 foot setback, but the setback is required to be increased when the adjacent residential structure is setback further than the district setback. The house to the south is setback 35 feet, so this becomes the new required setback. The applicant requests a variance to reduce the setback from the established 35 feet to the district setback of 25 feet.

A rezoning, conditional use permit, and site plan review (BZZ-1782), for a 25 unit condominium development was denied by the City in July of 2004.

The City Council has approved a moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units in the area of north Minneapolis bounded by West Broadway Avenue and the Mississippi River north to the city limits and in the Willard-Hay, Near North, Harrison, and Sumner Glenwood Neighborhoods, except housing being developed in conjunction with the Community and Economic Development Department. The interim ordinance (Chapter 578) was approved by the City Council on June 18, 2004 and amended on August 20, 2004. This site is in the moratorium area and the applicant has requested a waiver from the moratorium (BZZ-1938). The waiver was heard by the Zoning and Planning Committee of the City Council on September 15, 2004 and will go before the full City Council on September 24, 2004. The Zoning and Planning Committee recommended approval of the waiver. Staff will forward the City Council's action at the Planning Commission meeting.

The Northside Residents Redevelopment Council has sent a letter of support with conditions (please see attached letter).

VARIANCE (to reduce the front yard setback from 35 feet to 25 feet)

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.**

It would be possible to develop the property with the houses setback 35; however, this would cause the removal of several mature trees at the rear of the properties and would reduce the size of the backyards. The house to the south of the site, that establishes the greater setback, is setback further than the majority of the houses on the block. Requiring the new homes to be setback 35 feet could be a hardship and allowing them to be built at the district requirement of 25 feet is 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.**

The poor soil conditions and the number of mature trees at the rear of the site are conditions that are not necessarily found on most residential 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.**

The intent of the requirement is to preserve a unified setback along a block, to preserve open area, and to protect access to light and air. The new homes will meet the district requirement of 25 feet and will still leave a large front yard that preserves light, air and views for other homes on the block.

- 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.**

Granting the variance will not increase congestion in the public streets, nor will it increase the danger of fire or be detrimental to the public welfare as a 25 foot setback will still be provided that matches the character of the majority of the block.

SUBDIVISION

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.**

The comprehensive plan shows this area as appropriate for single-family residential development. All of the lots will be in conformance with the requirements of the zoning ordinance if the front yard setback variance is granted. The lots are in conformance with the standards of the subdivision regulations, with the exception of required lot width. The R1 zoning district requires a lot width of 50 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 lots do not have access to an alley, so the lot width is required to be increased from 50 to 60 feet. Lot 1 will have a width of 63.15 feet, so it does not require a variance. Lots 2-4 are 58 feet wide, so they require a variance of the subdivision standards from 60 feet to 58 feet.

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The lots meet the lot size and lot width requirements of the zoning code, but they do not meet the increased standards of the subdivision ordinance that are triggered by the subdivision application, or a splitting of a zoning lot subject to the large lot requirements. 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. While the lots do not have alley access, they will have garages at the front of the houses and shared driveways to Washburn, so it would be unnecessary to run a driveway along the side of the houses. Therefore, it is not necessary that Lots 2-4 have 60 feet of frontage on Washburn Avenue and it would be a hardship to require strict adherence to this standard. Granting the variance should not be detrimental to the surrounding area as all of the houses on this block have access onto Washburn Avenue.

2. 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 is to replat 5½ lots into 4 lots that come closer to meeting the requirements of the zoning code and subdivision ordinance. The area is zoned for single-family homes and eventually four new homes will be built on the lots. Single-family homes will not be out of character with the area and should not add significant 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 is basically level. The site has unstable soil conditions and will require piles to provide a foundation for the homes. The site does not present the other 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.

Minimal changes to the grade are proposed and access will be provided from Washburn Avenue North.

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.

The utility and drainage provisions are adequate for the proposed development. When the new homes are built it will be subject to all Public Works site drainage regulations and may require an erosion control plan.

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

VARIANCE

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback from 35 feet to 25 feet for property located at 908 Washburn Avenue North.

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SUBDIVISION

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the subdivision application with the lot width variances from 60 to 58 feet for property located at 908 Washburn Avenue North.

Attachments:

- 1) Letters.
- 2) Zoning map.
- 3) Survey.
- 4) Architectural drawings.
- 5) Photos.