

Department of Community Planning and Economic Development – Planning Division
Minor Subdivision Application
MS-194

Date: June 8, 2009

Applicant: Nancy Herring and Dana Habeck

Address of Property: 3031-33 38th Avenue South

Project Name: 3031-33 38th Avenue South Party-wall Split

Contact Person and Phone: Nancy Herring (651) 283-8580

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: May 6, 2009

End of 120-Day Decision Period: September 3, 2009

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R1A Single-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 28

Legal Description: See survey.

Existing Use: Duplex

Concurrent Review:

Minor subdivision: to allow for a party-wall split of an existing duplex for the property located at 3031-33 38th Avenue South. The purpose of this subdivision is to allow separate ownership of both sides of the duplex.

Applicable Code Provisions: Chapter 598 Subdivisions.

Development Plan: Please see attached survey.

Background: The proposed minor subdivision is to allow separate ownership of both sides of an existing duplex constructed in 1962. The subdivision ordinance allows a split on lots with an existing side-by-side two-family dwelling, along the party wall, to allow separate ownership of each side of the building, provided that covenants are recorded that state that the parcels may be used separately as long as the existing building is continued. If the building is destroyed, then the parcels shall be combined to

make a single parcel that conforms to the requirements of the subdivision regulations. This prevents the creation of substandard lots.

As of the writing of this report, staff has not received any comments from the Longfellow Community Council.

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 subdivision is in conformance with the design requirements of the zoning code and the land subdivision regulations. The *Minneapolis Plan for Sustainable Growth* designates this property at urban neighborhood on the future land use plan. This designation indicates that the area is appropriate for residential development.

- 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 site contains a side by side duplex with a detached garage in the rear yard of the property. The detached garage also contains an existing party wall and each side and has its own service door and overhead door. No new units will be added as part of this application.

- 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 any of the above hazards. No building sites are being created. The duplex is existing and has been located on the site since 1962.

- 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 existing access or grading is proposed. The detached garage is accessed from the alley. The property is relatively flat.

- 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.**

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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 minor subdivision:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision to allow for a party-wall split of an existing duplex for the property located at 3031-33 38th Avenue South.

Attachments:

1. Statement of use and Findings
2. Copy of letters sent to the Longfellow Community Council and CM Colvin Roy
3. Zoning map
4. Survey
5. Legal descriptions