

Department of Community Planning and Economic Development – Planning Division
Variance and Minor Subdivision
BZZ-3650 and MS-176

Date: July 30, 2007

Applicants: Travis Meldahl

Address of Property: 2447 Girard Avenue S.

Project Name: Single Family Dwelling

Contact Person and Phone: Travis Meldahl, 612-275-3742

Planning Staff and Phone: Michael Wee, 612-673-5468

Date Application Deemed Complete: June 19, 2007

End of 60-Day Decision Period: August 18, 2007

Date Extension Letter Sent: Not applicable for this application

End of 120 Day Decision Period: Not applicable for this application

Ward: 10 **Neighborhood Organization:** East Isles

Existing Zoning: R2B Two-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 18

Legal Description: See survey.

Existing/Proposed Use: The applicant owns a parcel that has a two-family dwelling located on the northern portion of said parcel and proposing to subdivide the parcel into two individual lots for the purpose of constructing one single-family dwelling on the proposed south lot.

Concurrent Reviews:

Variance: To reduce the south side yard setback from the required 5 feet to 3 feet for the north lot.

Minor Subdivision: To create two parcels out of the 11,739 square foot lot.

Applicable Code Provisions: Article V, R2B Two-Family District; and Chapter 598 Subdivisions.

Development Plan: Please see attached survey. The north lot has two-family dwelling units which are currently leased. Subdividing the parcel into two will require a side yard setback variance for the proposed north lot. This variance is noted below in the staff report. A new single-family unit will be constructed on the proposed south lot where the applicant intends to reside. The new dwelling unit will meet all setback requirements in R2B District, including FAR, lot coverage and impervious surface requirements of the zoning code. A final plan for the proposed new dwelling is not complete at this time, but the applicant will submit development plans later to comply with the requirements of Section 530.120 and Section 530.280 of the zoning code.

Background:

The applicant owns a corner parcel at 2447 Girard Avenue S. with a lot area of 11,739 square feet; and proposes to subdivide this parcel into two individual lots. A new single-family dwelling will be constructed on the created lot where the applicant will use as his primary residence. R2B District requires a minimum lot area of 5,000 square feet and a minimum lot width of 40 feet for a parcel. The created lots will meet these requirements. However, the resulting minor subdivision will trigger a side yard variance for the existing dwelling in the north lot.

The proposed single-family dwelling will be a two-story 2,800 square foot house with a detached garage. The proposal meets the front, sides and rear yard setback requirements of R2B District, including lot coverage and impervious surface which are at 41% and 44%, respectively. The applicant intends to occupy this dwelling and keep the dwelling on the north lot rented out. The surrounding uses include uses permitted in R5 and C2 districts. The front yard setback will be increased to line up with the established front yard of the adjoining north dwelling from the required 20 feet to 30.25 feet (Section 546.160(b)).

The detached garage (675 square feet) will meet the requirements of Section 537.60 of the zoning code in total floor area and Section 535.280(d) for its setback. It will be setback 4 feet from its north lot line, 5 feet from the alley, and maintaining an 8-foot corner side setback. The garage is located within the rear 40 feet, which the applicant could have reduced the interior side yard setback to 1 foot. However, the applicant would prefer the garage wall to line up with the primary structure along 25th Street. An administrative site plan review will be required before building permits can be issued.

As of writing this staff report, no comments were received from the neighborhood group. One neighbor sent her comment on July 3, 2007 herein attached. This application was continued from July 16, 2007 to allow the neighborhood group more time to review the proposed development. Staff will forward comments, if any are received, at the City Planning Commission meeting.

VARIANCE: A variance to reduce the south side yard setback from the required 5 feet to 3 feet for north lot at 2447 Girard Avenue S.

Findings as required by the Minneapolis Zoning Code:

- 1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

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There were two original parcels on the subject site and a two-story dwelling was built closer to the north property line. The south lot has remained vacant. The owner now proposes to subdivide the parcel into two individual lots and construct a new two-story dwelling on the created south lot. The common lot line between these two parcels is moved 9 inches south to allow more side yard for the north lot. Strict adherence to the R2B side yard requirements would cause the south lot become much narrower. The north lot will be 47' and the south lot will be 43 feet. Surrounding lots in the same block are essentially between 40 to 50 feet in width. Section 535.250 of the zoning code restricts side entrance doors for both dwellings unless a 15 foot side yard setback is provided.

- 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.**

An existing dwelling that was built in 1900 is on the north lot where an interior side yard setback variance is sought. The circumstance is unique to the parcel and certainly not created by the applicant when the property was purchased in 2005.

- 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 variance request will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the neighborhood given that the proposed dwelling will be a two-story house to match the height and scale of existing dwellings in the neighborhood. The applicant will work with staff in design standards for residential development as required in Chapter 530 of the zoning code.

- 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 proposed variance has no impact on existing traffic conditions in the neighborhood. It will also not endanger or become a detriment to the public welfare and safety.

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 proposed subdivision meets the requirements of Section 598 Land Subdivision Regulations and R2B District including lot width and lot area. Lots in the surrounding area are between 40 to 50 feet wide; consistent with what is being proposed. The Minneapolis Plan supports the increase in housing stock (Policy 4.9) and development of residential dwellings of appropriate form and density (Policy 9.5).

- 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 minor subdivision should have no effect on existing traffic condition in the neighborhood.

- 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 or conditions.

- 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.**

The property is a corner lot in a relatively flat land. Driveway access will be from the rear alley consistent with adjacent properties. No new curb cuts are expected of this development.

- 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 proposed dwelling.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the interior side yard setback on the north lot from the required 5 feet to 3 feet for the property located at 2447 Girard Avenue S. subject to the following condition:

1. Both dwellings shall not have a side entrance as required by Section 535.250 of the zoning code.

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 application for a property located at 2447 Girard Avenue S. subject to the following conditions:

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1. Staff review and approval of final site plan and building elevations to meet the required design standards per Sections 530.120 and 530.280 of the zoning code.

Attachments:

- 1) Statement from applicant
- 2) Zoning Map
- 3) Site Plan
- 5) Survey and Legal Descriptions
- 6) Photos
- 7) Neighbor Comment