

**Department of Community Planning and Economic Development – Planning Division**  
Variance and Minor Subdivision Application  
BZZ-2834 & MS-144

**Date:** April 24, 2006

**Applicants:** Greater Metropolitan Housing Corporation (GMHC)

**Address of Property:** 2212 36<sup>th</sup> Avenue North & 3600 Queen Avenue North (2216 36<sup>th</sup> Avenue North)

**Project Name:** Not applicable.

**Contact Person and Phone:** Bill Buelow (GMHC) 612-339-0601

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

**Date Application Deemed Complete:** February 15, 2006

**End of 60-Day Decision Period:** April 16, 2006

**Date Extension Letter Sent:** March 27, 2006

**End of 120-Day Decision Period:** June 15, 2006 - the applicant has extended the review period to June 30, 2006 (please see attached letter).

**Ward:** 4      **Neighborhood Organization:** Cleveland

**Existing Zoning:** R1A Single-family District

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

**Zoning Plate Number:** 3

**Legal Description:** See survey.

**Existing Use:** Parcel A (westerly parcel) will be 5,527 square feet and is proposed for a new single-family home and Parcel B (easterly parcel) will be 5,299 square feet and contains a single-family home.

**Concurrent Review:**

**Variance:** To allow a garage that is not entirely behind the rear of a principal structure.

**Minor Subdivision:** To create two parcels out of two lots for two single-family homes.

CPED - Planning Division Report  
MS-144 & BZZ-2834

**Applicable Code Provisions:** Chapter 525, Article IX, Variances, Specifically Section 525.520(8) “to permit parking that cannot comply with the location requirements for on-site parking...” Chapter 598 Subdivisions.

**Development Plan:** Please see attached survey. A single-family home exists on one parcel and a single-family home is proposed for the other.

**Update:** This item was continued from the March 27, 2006, and April 10, 2006, meetings of the City Planning Commission to allow the applicant to meet with the council member, neighborhood group, and staff regarding the site design. Staff met with the applicant, but as of the writing of this staff report a final design has not yet been determined. Staff will provide an update and revised drawings, if available, at the April 24, 2006, meeting of the City Planning Commission.

The applicant and staff were directed to look at an alternative design that would incorporate an attached garage. There are various site constraints that relate to this proposal (please see attached drawing).

- 1) The site has two front yards, one on Queen Avenue and one on 36<sup>th</sup> Avenue, each with 20 foot setback; the north and east interior yard setbacks are five feet. These setbacks can be varied.
- 2) Attached garages facing a front lot line (reverse corner lots have two front lot lines) shall not extend more than five (5) feet closer to the front lot line than the façade of the habitable portion of the dwelling when the doors face the front lot line. In addition, the width of the garage wall facing the front lot line shall not exceed sixty (60) percent of the width of the entire structure. These provisions can be varied.
- 3) The zoning code requires that not less than fifteen (15) percent of the walls on each floor that face a public street shall be windows. This includes facades with garage doors and windows in garage doors are not counted toward the percentage. This provision can not be varied.
- 4) If the garage is attached the applicant will lose five points (out of the 24 possible) toward the 15 points required to obtain a building permit (please see attached list). The point provisions can not be varied.

**Background:** The proposed subdivision would create two parcels out of two lots. The westerly parcel (Parcel A) will be 5,527 square feet and is proposed for a new single-family home and the easterly parcel (Parcel B) will be 5,299 square feet and contains a single-family home.

The current parcels are made up of two platted 42.75 foot wide lots that were illegally split in 2003 into the two parcels. The existing lots, before the split, were platted at an east-west orientation. A previous owner and her realtor inquired in March of 2003 about the possibility of splitting the two lots down the middle to reorient them to a north south configuration. At this time staff informed the applicant about all of the steps that would be necessary to accomplish this proposal including a subdivision with the City of Minneapolis, a reverse corner lot variance, possible setback variances, and Public Works approval for a new curb cut. In addition, staff informed the applicant that the City does not normally approve reverse

CPED – Planning Division Report  
MS-144 & BZZ-2834

corner lot variances. They split the tax parcel with Hennepin County, without City of Minneapolis approval, and sold the westerly parcel to another party.

The previous owner and her realtor applied to legalize the situation with the City through a subdivision process, but this minor subdivision (MS-109) was denied. It was denied mainly due to the lack of a proper site plan that would show that a house could be built on the westerly parcel without several variances. They sold the other parcel to another party after this split was denied. The two new owners, represented by GMHC, are now applying for a minor subdivision to legalize the split. They have provided a site plan that shows how a home can be constructed on the site and the only variance requested is to allow the detached garage to be located not entirely to the rear of the proposed house.

Any new single-family dwelling is subject to administrative site plan review. The applicant has not yet applied for administrative site plan review and will have to do so before permits may be issued.

Please see the attached letter from the Cleveland Neighborhood Association that recommends approval of the variance and subdivision and that the garage be located on the south side of the house facing 36<sup>th</sup> Avenue North (please see attached letter).

**VARIANCE (to allow a garage that is not located entirely to the rear of the principal structure)**

**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.**

The parcel is basically flat and is rectangular. There is no way to place a detached garage on the site where it would be entirely behind the principal structure and this could be considered a hardship. The applicant has placed it to the side of the house where it will not dominate the streetscape. This 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 majority of the lots in this area are platted in an east west orientation with access to the alley. The subject parcels were illegally split by a previous owner in the north south orientation. This is a situation not created by the applicants and that is generally not applicable to other properties in the area.

- 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 ordinance is to keep garages from dominating the streetscape and to reduce their impact on adjacent residential structures. The applicant has placed the garage as far back from the street as possible and with a 5 foot setback from the house to the north to reduce the impact that the garage has on the neighboring property and streetscape. Granting this variance should not circumvent the intent of the ordinance, if the driveway impervious area of the driveway is reduced (see staff alternative drawing attached to this report).

- 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 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 zoning ordinance. The proposed accessory structure requires a variance of which staff is recommending approval. The comprehensive plan shows this area as appropriate for residential development.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.240 (4), which prohibits reverse frontage lots, which are those platted in reverse orientation to the rest of the block. In order to be in conformance with the land subdivision regulations, a variance of Section 598.240 (4) is required to allow the creation of a reverse corner lot. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

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

CPED – Planning Division Report  
MS-144 & BZZ-2834

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.

While the existing house faces the south, the lots are platted east-west. The subdivision would create a reverse corner lot. This will create a parcel that will impose a front yard setback on the property to the east. This would make the parking area for the parcel to the east nonconforming and could make the building nonconforming. However, the addition of a new single-family home on a vacant lot that has experience criminal activity could be an improvement to the area, so overall the subdivision should not be detrimental to the public welfare. The subject parcels were illegally split by a previous owner in the north south orientation. This is a situation not created by the applicants and that is generally not applicable to other properties in the area and the proposed variance would allow a reasonable use of the land.

**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 a parcel that will impose a front yard setback on the property to the east. This would make the parking area nonconforming and could make the building nonconforming. However, the addition of a new single-family home on a vacant lot that has experience criminal activity could be an improvement to the area.

**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.**

One structure is existing and one is proposed. It does not appear that any of the above noted conditions exist at the site.

**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.**

One structure is existing. The site plan shows that the proposed lot is suitable to allow for a single-family home, but the accessory structure will require a variance. There is adequate access for a driveway off of Queen or 36<sup>th</sup> Avenues. The new single-family home is subject to administrative site plan review.

**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 existing and proposed structures.

#### **RECOMMENDATIONS:**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance to allow an accessory structure not entirely to the rear of the principal structure:**

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 allow an accessory structure to be located not entirely to the rear of a principal structure for property located at 3600 Queen Avenue North (2216 36<sup>th</sup> Avenue North) subject to the following condition:

1) The drive from the public right-of-way to the accessory structure shall be reduced to the width of the garage door opening on the east end and tapering to 12 feet at the west end where the drive meets the right-of-way approximately as shown on the drawing attached to the staff report labeled staff alternative.

**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 property located at 3600 Queen Avenue North (2216 36<sup>th</sup> Avenue North) and 2212 36<sup>th</sup> Avenue North.

#### **Attachments:**

CPED – Planning Division Report  
MS-144 & BZZ-2834

- 1) Statement from applicant.
- 2) Zoning map.
- 3) Large lot map.
- 4) Hennepin County map.
- 5) Survey.
- 6) Elevation of possible single-family home.
- 7) Photos.