

**Department of Community Planning and Economic Development – Planning Division**  
Variance and Minor Subdivision Application  
BZZ-5312 & MS-214

**Date:** October 3, 2011

**Applicant:** David Hovda

**Address of Property:** 3416 29<sup>th</sup> Street West

**Project Name:** 3416 29<sup>th</sup> Street West Minor Subdivision

**Contact Person and Phone:** David Hovda, (612) 581-6956

**Planning Staff and Phone:** Shanna Sether (612) 673-2307

**Date Application Deemed Complete:** September 8, 2011

**End of 60-Day Decision Period:** November 6, 2011

**Ward:** 7      **Neighborhood Organization:** Cedar-Isles-Dean Neighborhood Association

**Existing Zoning:** R1 Single-family District

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

**Zoning Plate Number:** 23

**Legal Description:** See survey.

**Proposed Use:** Parcel A (westerly parcel) will be 6,017 square feet and is vacant and would allow for a new single-family home and Parcel B (easterly parcel) will be 6,497 square feet and contains an existing single-family home

**Concurrent Review:**

**Variance:** to reduce the minimum lot width requirement from 50 feet to 43.77 feet to allow for the proposed west lot (Parcel A).

**Variance:** to reduce the minimum lot width requirement from 50 feet to 48.15 feet to allow for the proposed west lot (Parcel B).

**Minor subdivision:** that would create two lots at 3416 29<sup>th</sup> Street West; one for the existing single family home and one that would allow for a new single family home.

**Applicable Code Provisions:** Chapter 525, Article IX, Variances, Specifically Section 525.520(2) “to vary the lot area or lot width requirements.” Chapter 598 Subdivisions.

**Development Plan:** Please see attached survey. A single family home exists on one parcel and the

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other lot would be developed for a new single family home.

**Background:** The proposed subdivision would create two parcels out of one parcel. The current parcel is approximately 92 ft. by 140 ft. There is an existing single-family home on the parcel. The applicant would like to create two separate parcels and construct a new single family home. Parcel A is 6,017 sq. ft. and 43.77 ft. wide and this parcel is currently vacant. Parcel B is 6,497 sq. ft. and 48.15 ft. and is the site of the existing single family home.

The lot width requirement in the R1 District is 50 ft. The applicant is proposing to adjust the existing boundary between the platted lots to allow for a 6 ft. side yard setback from the existing home to the proposed property line. The maximum lot width variance allowed by the Zoning Code is 30 percent; the applicant is proposing to reduce the minimum lot width for Parcel A from 50 ft. to 43.77 ft., which is a 12.5 percent variance and for Parcel B from 50 ft. to 48.15 ft., which is a 3.7 percent variance.

With the removal of an existing side entry addition, the existing single family home is located 4 ft. to the existing boundary that separates Lots 111 and 112. The applicant would not be successful in proposing to split the lot along the existing boundary due to the proximity of the existing home to the lot line without a variance to reduce the minimum interior side yard from 6 ft. to 4 ft. Therefore, the applicant is proposing to adjust the lot line to allow an additional two feet between the existing structure and the proposed property line. The adjustment from the platted boundary for 2 ft. requires a minor subdivision.

Any future development of a single family home will also be subject to the conditions of the design standards outlined in section 530.280 in the zoning ordinance.

**530.280. Design standards.** New single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General Applicability, related to front entrance, window area, and walkway requirements, and limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of fifteen (15) points from Table 530-2, Single and two-family dwellings and multiple-family dwellings having three or four dwelling units. Standards used to meet the minimum requirement must remain in place for a period of not less than fifteen (15) years from the date of approval.

Preliminary review indicates that the design as currently proposed would receive 18 points for the following: Providing a basement, detached garage, wood and cedar shake siding exterior, not less than 20% windows facing 29<sup>th</sup> Street West, and at least one deciduous tree in the front yard. If the applicant is approved for the variance required, they are required to submit an application of Administrative Site Plan Review for a new single-family dwelling.

As of the writing of this report, staff has not received any comments from the Cedar-Isles-Dean Neighborhood Association. Staff will distribute any written comments to the planning commission at the public hearing.

**Findings Required by the Minneapolis Zoning Code:**

**VARIANCE** to reduce the minimum lot width of Lots 111 and 112 from 50 ft. to approximately 43.77 ft. and 48.15 ft.

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

There are unique circumstances of the parcel of land that have created the practical difficulties and have not been created by any persons presently having an interest in the property. The subject property includes two platted lots, 111 and 112, and they are both 46.15 ft. wide. The applicant is proposing to adjust the platted boundary between the two platted lots to allow for the existing dwelling to meet the minimum interior side yard of 6 ft. to the proposed property line. The majority of the platted lots along the same block face on 29<sup>th</sup> Street West have all been platted between 45 ft. and 46 ft. in width. The majority of the platted lots to the north of the subject property, located on the same block, have been platted at 45 ft. in width. The minimum lot width in the R1 District is 50 ft. and the majority of the lots on the block do not comply with this requirement.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The R1 District was established to provide for an environment of predominately low-density, single-family dwellings and cluster developments on lots with a minimum of six-thousand (6,000) square feet of lot area per dwelling unit. Further, lot width standards are in place to ensure that proposed structures are able to adhere to the minimum required yards. The proposed parcels both exceed the minimum lot area requirement of 6,000 sq. ft., however, they are both narrower than 50 ft. in width and require a variance. The applicant has demonstrated that the existing single-family and new single-family dwelling would be able to exist on the proposed parcels and meet the minimum yard requirements on lots that are less than 50 ft. in width. Therefore, staff believes that the property owner is proposing to use the property in a reasonable manner, consistent with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff believes that the granting of this variance would not negatively alter the essential character or be injurious to the use or enjoyment of other property in the vicinity. The majority of the platted lots along the same block face on 29<sup>th</sup> Street West have all been platted between 45 ft. and 46 ft. in width. The majority of the platted lots to the north of the subject property, located on the same block, have been platted at 45 ft. in width. The minimum lot width in the R1 District is 50 ft. and the majority of the lots on the block do not comply with this requirement. Further, the proposed variance will not be detrimental to the health, safety, or welfare of the general

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public or of those utilizing the property or nearby properties. The proposed single-family dwelling and detached garage will have to be in compliance with the building code prior to permit issuance.

**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 would create two parcels out of one parcel. There is an existing single-family home on the parcel. The applicant would like to create two separate parcels. Parcel A is 6,017 sq. ft. and 43.77 ft. wide and this parcel is currently vacant. Parcel B is 6,497 sq. ft. and 48.15 ft. and is the site of the existing single family home.

**Zoning code:**

The applicant has requested variances of the minimum lot width of the zoning ordinance. The R1 Single-Family District requires a minimum lot width of 50 ft. and lot area of 6,000 sq. ft. Parcel A is 6,017 sq. ft. and 43.77 ft. wide and this parcel is currently vacant. Parcel B is 6,497 sq. ft. and 48.15 ft. and is the site of the existing single family home. The required variances are included in this report.

**Subdivision regulations:**

The proposed parcels meet the subdivision regulations.

**Comprehensive plan**

Staff has identified the following policies of the *Minneapolis Plan for Sustainable Growth* that are relevant to the submitted applications:

**Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.**

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood.

It is the staff opinion that the subdivision is consistent with the above noted language of the plan.

- 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 subdivision will not have an effect on surrounding properties or change the character of the area due to the existing location of the single family dwelling on Parcel B (easterly parcel) or the future development of a single family dwelling on Parcel A (westerly parcel). It should not add congestion to the public streets as it would only add one single-family home 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.**

The existing home on the property will remain in its present location and another single-family dwelling will be proposed in the future on the other lot. 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.**

Both lots have access to an alley. There is an alley north of the two properties and a dog-leg alley directly adjacent to Parcel A. The existing and proposed single-family dwellings will have access to detached accessory structures from the north alley running parallel to 29<sup>th</sup> Street West. Staff believes that the site can support the required access to the property with the existing conditions.

- 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 lot width 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 minimum lot width of Lots 111 from 50 ft. to approximately 43 ft. for the property located at 3416 29<sup>th</sup> Street West in the R1 Single-Family District.

### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the lot width variance:**

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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 minimum lot width of Lot 112 from 50 ft. to approximately 48 ft. for the property located at 3416 29<sup>th</sup> Street West in the R1 Single-Family District.

**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 that would create two lots at 3416 29<sup>th</sup> Street West; one for the existing single family home and one newly constructed new single-family home.

**Attachments:**

- 1) Statement and findings from applicant.
- 2) Copy of letter sent to CM Goodman and Cedar-Isles-Dean Neighborhood Association.
- 3) Correspondence from neighbors
- 4) Zoning map
- 5) Hennepin County map
- 6) Survey/site plan
- 7) Floor plans
- 8) Building elevations
- 9) Perspective views
- 10) Photos