

**Department of Community Planning and Economic Development – Planning Division**  
Variance and Minor Subdivision Application  
BZZ-5546 & MS-220

**Date:** May 21, 2012

**Applicant:** Sarah Larson

**Address of Property:** 2101-2107 Lowry Avenue NE

**Project Name:** 2101-2107 Lowry Avenue NE Minor Subdivision

**Contact Person and Phone:** Sarah Larson, (612) 801-5581

**Planning Staff and Phone:** Aly Pennucci (612) 673-5342

**Date Application Deemed Complete:** April 17, 2012

**End of 60-Day Decision Period:** June 15, 2012

**Ward:** 1      **Neighborhood Organization:** Audubon Neighborhood Association and Windom  
Community Council (adjacent)

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

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

**Zoning Plate Number:** 10

**Legal Description:** See survey

**Proposed Use:** Parcel A (westerly parcel) will be 4,602 square feet and contains an existing two-family dwelling and Parcel B (easterly parcel) will be 5,210 square feet and contains an existing two-family home

**Concurrent Review:**

**Variance:** to reduce the minimum lot area from 5,000 square feet to 4,602 square feet to allow for the proposed west lot (Parcel A).

**Minor subdivision:** to adjust the lot line between the properties of 2101-2107 Lowry Avenue NE for two existing two-family dwellings.

**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.

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**Background:** The proposed subdivision will adjust the lot line between the properties of 2101-2107 Lowry Avenue NE for two existing two-family dwellings. There are two existing lots with a common lot line that runs east-west through the middle of the two existing residential structures. The applicant would like to adjust the lot line to run north-south between the two existing two-family dwellings so each structure is on a separate lot.

Two-family dwellings are not permitted in the R1A district. The existing two-family dwellings are legally nonconforming. A lawfully established nonconforming use or structure may continue so long as it remains otherwise lawful, but may not be expanded without City approval as outlined in Chapters 525 and 531 of the Minneapolis Zoning Code. Adjusting the lot line between the existing structures does not constitute an expansion of a nonconforming use.

Because a two-family dwelling is not permitted in the R1A district there are no listed minimum lot area or lot width requirements. The two-family dwellings on the subject site were established prior to the adoption of the current zoning regulations. Due to these circumstances, the Zoning Administrator determined that the nonconforming two-family dwellings are held to the minimum lot area and lot width requirements that a two-family dwelling in the R2B district, established prior to the effective date of the zoning code, would be held to. The R2B District requires 5,000 square feet of lot area and 40 feet of lot width for two-family dwellings existing on November 20, 1999. Both parcels will meet the minimum lot width and interior side yard requirements of the zoning code. Due to the orientation of the existing easterly two-family dwelling (Parcel B) this property has two front yards, one along Lowry Avenue NE and one along Cleveland Street NE. The existing two-family dwellings are nonconforming to the minimum front yard requirements. This existing condition will not be altered by the proposed lot line adjustment.

The existing north parcel (2105 Lowry Ave NE) is approximately 5,042 square feet. The existing south parcel (2105 Lowry Ave NE) is approximately 4,770 square feet. The proposed Parcel A (westerly parcel) is 4,602 square feet; the proposed Parcel B (easterly parcel) is 5,210 square feet. The maximum lot area variance allowed by the zoning code is 30 percent; the applicant has requested a variance to reduce the minimum lot area for Parcel A from 5,000 square feet to 4,602 square feet, which is a 7.96 percent variance.

As of the writing of this report, staff has not received any comments from the 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 area of Parcel A from 5,000 square feet to 4,602 square feet

- 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.**

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The applicant has requested a variance to reduce the lot area for Parcel A from 5,000 square feet to 4,602 square feet, a 7.96 percent reduction. There are unique circumstances to the parcel of land that have created the practical difficulties. The applicant is proposing to adjust the lot line between the two lots to allow a separate lot for each of the existing two-family dwellings rather than having a lot line that splits each structure in half. The subject property includes two lots, one of which is already nonconforming to the minimum lot area requirement of the zoning district. The two existing lots combined are 9,812 square feet; there is no adjustment to the common lot line that would allow both lots to meet the minimum lot size requirement of 5,000 square feet. The two structures were constructed in 1948 across two lots. This circumstance was not created by persons presently having an interest in the property. A subdivision is necessary to allow each structure to be located on a separate lot.

- 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 applicant is proposing to adjust the lot line between the two existing two-family dwellings to allow each of the principal structures to be located on a single lot rather than having a lot line that splits the structures in half. The use and location of the existing structures will not be changed. There are already two lots at this location; this adjustment will alter the direction in which the shared lot line is oriented, however, the existing structures will not be altered. Staff believes that a request to adjust the lot line to create separate lots for two existing principal structures, both constructed in 1948, is reasonable and in keeping 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 existing structures face and are addressed off of Lowry Avenue NE and no alterations or expansion are proposed. Because the existing structures are nonconforming two-family dwellings, any future alterations or expansion would require review and approval by the City Planning Commission. There are four (4) off-street parking spaces located on Parcel B or one space per dwelling unit. The applicant will record an easement with Hennepin County to allow long term access and use of two of the parking spaces for residents of Parcel A. Further, 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.

**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 applicant would like to adjust the lot line to allow each existing principal structure to be located on a separate parcel. Parcel A (westerly parcel) is 4,602 square feet and 59.16 feet wide and is the site of an existing two-family dwelling. Parcel B (easterly parcel) is 5,210 square feet and 67.03 feet wide and also contains an existing two-family dwelling.

**Zoning code:**

The applicant has requested a variance to reduce the minimum lot area of the zoning ordinance for Parcel A from 5,000 square feet to 4,602 square feet of lot area. The maximum that lot area can be reduced by variance is 30 percent. One of the two existing lots is already nonconforming to the minimum lot area. The lot area variance request is a 7.96 percent reduction. The required variance is 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.**

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The subdivision will not have an effect on surrounding properties or change the character of the area. The existing structures will not be altered. It should not add congestion to the public streets. There are four (4) off-street parking spaces located on Parcel B or one space per dwelling unit. The applicant will record an easement with Hennepin County to allow long term access and use of two of the parking spaces for residents of Parcel A.

- 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 structures on the property will remain in their present locations. 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.**

Parcel B will have access to the alley and contains four off-street parking spaces. The applicant will record an easement with Hennepin County to provide access to and use of two (2) of the parking stalls for Parcel A. 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 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 area from 5,000 square feet to 4,602 square feet to allow for the proposed west lot (Parcel A) at 2101-2107 Lowry Avenue NE in the R1A 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 to adjust the lot line between the properties of 2101-2107 Lowry Avenue NE for two existing two-family dwellings, subject to the following conditions:

1. An easement shall be recorded with Hennepin County granting Parcel A access to and use of two (2) off-street parking spaces on Parcel B. Documentation of said recording shall be provided to CPED-Planning staff.

**Attachments:**

- 1) Statement and findings from applicant.
- 2) Correspondence to neighborhood organization and Council Member
- 3) Zoning map
- 4) Survey/site plan
- 5) Photos