

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-5820

**Date:** November 8, 2012

**Applicant:** Curt Fretham

**Addresses of Property:** 3821 Xerxes Avenue South

**Contact Person and Phone:** Curt Fretham, (952) 653-2193

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

**Date Application Deemed Complete:** October 16, 2012

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

**Ward:** 13      **Neighborhood Organization:** Linden Hills Neighborhood Council

**Existing Zoning:** R1 Single-Family District and SH Shoreland Overlay District

**Zoning Plate Number:** 29

**Legal Description:** See survey

**Proposed Use:** Demolish existing single-family dwelling, divide the existing parcel into two parcels to allow for the future construction of two new single-family dwellings. Parcel A would be 50 feet wide and 5,721 square feet in area. Parcel B would be 50 feet wide and 5,725 square feet in area.

**Concurrent Review:**

- Variance to reduce the minimum lot area for Parcel A from 6,000 square feet to 5,721 square feet, to allow for the future construction of a new single-family dwelling.
- Variance to reduce the minimum lot area for Parcel B from 6,000 square feet to 5,725 square feet, to allow for the future construction of a new single-family dwelling.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Section 525.520 (2) “To vary the minimum lot area or width up to thirty percent.”

**Background:** The subject property is approximately 100 feet by 114.25 feet, on average, (11,446 square feet) and the property includes a single-family dwelling with an attached garage on an interior lot. The applicant is proposing to demolish the existing dwelling and attached garage in order to divide the parcel in half. Parcel A (northerly parcel) would be 50 feet wide and 5,721 square feet in area. Parcel B (southerly parcel) would be 50 feet wide and 5,725 square feet in area. The minimum lot area required for a single-family dwelling in the R1 Single-Family District is 6,000 square feet. Therefore, the

applicant has requested a variance to reduce the minimum lot area of both Parcel A and B to allow for the future construction of two new single-family dwellings.

Any future development of single-family dwellings 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.

Staff has received a letter from the Linden Hills Neighborhood Council that states the zoning committee voted unanimously not to oppose the proposed variances. A copy of the letter is attached to the staff report. Staff will forward additional comments, if any are received, at the Zoning Board of Adjustment meeting.

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

**VARIANCE** to reduce the minimum lot area to allow for the future construction of two new single-family dwellings.

- 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.**

The circumstances upon which the variance is requested are unique to the parcel of land due to the existing platting of the block. These circumstances have not been created by the applicant. The minimum lot area requirement for single-family dwellings in the R1 Single-Family District is 6,000 square feet. The proposed parcels would be 5,721 and 5,725 square feet in area. Both lots meet the minimum lot width of 50 feet; however, the lots are only 114.25 feet deep and are less than 6,000 square feet. The applicant has demonstrated that two new single-family dwellings with off-street parking could be constructed on the lots without the need of additional variances.

- 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 seeking a variance to reduce the minimum lot area of two parcels that would be created out of one parcel. The purpose of regulating minimum lot area is to ensure compatibility with surrounding uses. The applicant has demonstrated that the lots could be developed without

the need of additional variances. Staff believes that the applicant is proposing to use the property in a reasonable manner.

- 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 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. The applicant identified 36 parcels in the immediate vicinity that are less than 6,000 square feet. Therefore, the parcel division that would allow for the future construction of two new single-family dwellings will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

**Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:**

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

The applicant is not proposing new construction of the two proposed parcels. The existing parcel is not located on or within 40 feet of the top of a steep slope and would not require additional variances to allow for development in the SH Shoreland Overlay District. The future applicants of the new single-family dwellings will have to demonstrate necessary precautions both during and after construction as to avoid soil erosion or possible pollution of Lake Calhoun.

- 2. Limiting the visibility of structures and other development from protected waters.**

Staff finds that the future construction of two new single-family dwellings that comply with the maximum height requirement will have limited visibility, if any, from Lake Calhoun.

- 3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**

The subject site does not have direct access to Lake Calhoun. The future construction of the single-family dwellings will not require the accommodation of any watercraft of any type on Lake Calhoun.

**Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** a variance to reduce the minimum

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lot area requirement for Parcel A from 6,000 square feet to approximately 5,721 square feet to allow for the future construction of a new single-family dwelling located at 3821 Xerxes Avenue South in the R1 Single-Family District and SH Shoreland Overlay District.

**Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** a variance to reduce the minimum lot area requirement for Parcel B from 6,000 square feet to approximately 5,725 square feet to allow for the future construction of a new single-family dwelling located at 3821 Xerxes Avenue South in the R1 Single-Family District and SH Shoreland Overlay District.

**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. October 3, 2012, e-mails to Council Member Hodges and Linden Hills Neighborhood Council
3. October 16, 2012, letter from Linden Hills Neighborhood Council
4. Zoning map
5. Existing survey
6. Proposed survey and development plan
7. Proposed elevations
8. Photos of the site and surrounding area