

**Department of Community Planning and Economic Development**  
Variance  
BZZ 6225

**Date:** September 26, 2013

**Applicant:** Kathy Allen

**Address of Property:** 4316 Lyndale Avenue South

**Contact Person and Phone:** Kathy Allen, (612) 532-6026

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

**Date Application Deemed Complete:** September 3, 2013

**End of 60-Day Decision Period:** November 2, 2013

**Ward:** 13      **Neighborhood Organization:** East Isles/Farmstead Neighborhood Association, adjacent to Kingfield Neighborhood Association

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

**Existing Overlay District:** Not applicable

**Zoning Plate Number:** 30

**Proposed Use:** Dividing the existing parcel into two parcels: Parcel A would be 40.04 feet wide and 4,986 square feet in area and Parcel B would be 44.04 feet wide and 5,484 square feet in area.

**Variance:** to reduce the minimum lot area requirement from 5,000 square feet to approximately 4,986 square feet to allow for the lot division of 4316 Lyndale Avenue South.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specifically Section 525.520(2) "to vary the minimum lot area" and Chapter 546 Residence Districts

**Background:** The subject property is approximately 84.04 feet by 124.53 feet (10,471 square feet). The existing single-family dwelling was permitted for construction on the property July 27, 1909. In November of the same year, a detached garage was constructed on northern half of the property and the driveway and curb cut still exist in the same location. The subject property is one parcel with two platted lots, Lot 4 and Lot 5. The existing single-family dwelling is located 3.7 feet from the platted boundary between Lots 4 and 5. The applicant is proposing to adjust the common lot line two feet and divide the parcel into two parcels. Parcel A would be 40.04 feet wide and 4,986 square feet in area and Parcel B would be 44.04 feet wide and 5,484 square feet in area. The minimum lot area requirement for a parcel in the R1A Single-Family District is 5,000 square feet. Proposed Parcel A would be 4,986 square feet and does not meet the minimum lot area. Therefore, the applicant is requesting a variance to reduce the

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minimum lot area requirement from 5,000 square feet to approximately 4,986 square feet to allow for the lot division of 4316 Lyndale Avenue South.

Staff has not received correspondence from the affected neighborhood associations. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

**VARIANCE:** to reduce the minimum lot area requirement from 5,000 square feet to approximately 4,986 square feet (.28%) to allow for the lot division of an existing parcel.

**Findings as required by the Minneapolis Zoning Code:**

- 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.**

Staff finds that there are unique circumstances of the property, including the location of the existing single-family dwelling and driveway and the lack of alley access that create a practical difficulty in complying with the ordinance. The dwelling was constructed in its present location, approximately 3.7 feet to the north property line in 1909. The subject property has historically included by Lots 4 and 5. The applicant is proposing to divide the parcel into two parcels. Parcel A is vacant and would allow for the future construction of a new single-family dwelling. The applicant is proposing to adjust the common lot line 2 feet to accommodate the minimum interior side yard setback and compliance with the building code. Parcel A would meet the minimum lot width of 40 feet, but would be short 14 square feet (.28%) of lot area. Staff finds that these are not circumstances created by the applicant.

- 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 R1A Single-Family District is established to provide for an environment of predominantly low density, single-family dwellings and cluster developments on lots of a minimum of 5,000 square feet. The purpose of providing a minimum lot area of 5,000 square feet is to ensure that the lot is sufficient in size to provide a dwelling with off-street parking that will meet the minimum setbacks, gross floor area and additional zoning requirements. Proposed Parcel A would be sufficient in size to allow for the future construction of a new single-family dwelling with a detached garage that would share a driveway and curb cut with proposed Parcel B, without the need for additional variances. Therefore, staff finds the proposed dwelling unit within the existing structure would be a reasonable use of the property.

- 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.**

Lot area requirements are established to ensure compatibility with surrounding uses. The subject property is one of two remaining parcels with two lots. The adjacent property to the south has one parcel with two platted lots; however, the land use is a two-family dwelling. Across Lyndale

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Avenue to the east of the subject property, the parcels are 40 feet in width and approximately 4,900 square feet in area. Therefore, staff finds 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 purpose of providing a minimum lot area of 5,000 square feet is to ensure that the lot is sufficient in size to provide a dwelling with off-street parking that will meet the minimum setbacks, gross floor area and additional zoning requirements. Proposed Parcel A would be sufficient in size to allow for the future construction of a new single-family dwelling with a detached garage that would share a driveway and curb cut with proposed Parcel B, without the need for additional variances. Finally, if granted the proposed variance will not be detrimental to the health, safety or welfare of the general public. The future construction of a single-family dwelling will require review for administrative site plan review and a building permit to ensure compliance with the applicable building codes and life safety ordinances.

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

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the minimum lot area requirement from 5,000 square feet to approximately 4,986 square feet to allow for the lot division of 4316 Lyndale Avenue in the R1A Single-Family District, subject to the following conditions of approval:

1. Approval of the lot division by the Department of Community Planning and Economic Development.

**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Hodges, East Harriet/Farmstead and Kingfield Neighborhood Associations
3. Zoning map
4. Hennepin County plat map
5. Sanborn Map (1912)
6. Existing survey
7. Site plan
8. Photos