

Department of Community Planning and Economic Development
Variances
BZZ 6390

Date: January 23, 2014

Applicant: Ridge Creek Custom Homes

Address of Property: 3837 Xerxes Avenue South

Contact Person and Phone: Kale Massey, (612) 250-5820

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

Date Application Deemed Complete: December 13, 2013

End of 60-Day Decision Period: February 11, 2014

Ward: 13 Neighborhood Organization: Linden Hills Neighborhood Council

Existing Zoning: R1 Single-Family District

Existing Overlay District: Not applicable

Zoning Plate Number: 29

Proposed Use: Dividing the existing parcel into two parcels: Parcel A would be 43.7 feet wide and approximately 5,005 square feet in area. Parcel B would be 43.7 feet wide and 5,003 square feet in area. Each parcel would allow for the future construction of a new single-family dwelling.

Concurrent Review:

- Variance to reduce the minimum lot area requirement from 6,000 square feet to 5,003 and 5,005 square feet.
- Variance to reduce the minimum lot width requirement from 50 feet to approximately 43.7 feet.

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

Background: The subject property is approximately 87.4 feet by 114.5 feet (10,010 square feet). There is an existing single-family dwelling with an attached garage were permitted for construction on the property in 1956. The subject property is one parcel with three and one-half platted lots that are 25 feet wide. The applicant is proposing to demolish the existing dwelling, divide the lot into two parcels and construct two new

single-family dwellings. Parcel A would be 43.7 feet wide and 5,003 square feet in area and Parcel B would be 43.7 feet wide and 5,005 square feet in area. The minimum lot area requirement for a parcel in the R1 Single-Family District is 6,000 square feet. The minimum lot width requirement for a parcel in the R1 Single-Family District is 50 feet. Therefore, the applicant is requesting variances to reduce the minimum lot area requirement from 6,000 square feet to 5,003 and 5,005 square feet and to reduce the minimum lot width requirement from 50 feet to approximately 43.7 feet to allow for the lot division of 3837 Xerxes Avenue South.

Staff has not received correspondence from the Linden Hills Neighborhood Council. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

VARIANCES: (1) to reduce the minimum lot area requirement from 6,000 square feet to 5,003 and 5,005 square feet and (2) to reduce the minimum lot width requirement from 50 feet to approximately 43.7 feet to allow for the lot division of 3837 Xerxes Avenue South.

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.**

Both Variances: Staff finds that there are not unique circumstances of the property that create a practical difficulty in complying with the ordinance. The property is one parcel with three and one-half platted lots; each one 25 feet wide. The existing parcel is in conformance with the minimum lot area and lot width requirements of the ordinance. Staff has analyzed the surrounding area and found the average lot area to be 8,020 square feet and an average lot width of 65 feet for all single- and two-family dwellings located in the R1 District. Staff finds that the circumstances for which the variance is sought have been 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 R1 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 6,000 square feet and 50 feet of width. The purpose of providing a minimum lot area of 6,000 square feet and minimum lot width of 50 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. The applicant has demonstrated that the two proposed parcels would be sufficient to allow for the future construction of two new single-family dwellings with detached garages

that would not require additional variances. However, the proposed parcels would be inconsistent with lot sizes in the area. Therefore, staff finds that the proposed variances are not a reasonable request consistent with the spirit and intent of the ordinance.

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. In the R1 District, the minimum lot width and lot area standards are intended to reinforce the predominant character of the City's lowest density residence district. The existing. The subject property is one of two remaining parcels with two lots. The property is one parcel with three and one-half platted lots; each one 25 feet wide. The existing parcel is in conformance with the minimum lot area and lot width requirements of the ordinance. Staff has analyzed the surrounding area and found the average lot area to be 8,020 square feet and an average lot width of 65 feet for all single- and two-family dwellings located in the R1 District. Proposed Parcel A and B would, however, be sufficient in size to allow for the future construction of two new single-family dwellings with detached garages, 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 **deny** the variance to reduce the minimum lot area requirement from 6,000 square feet to approximately 5,005 square feet to allow for the lot division of 3837 Xerxes Avenue South in the R1 Single-Family District.

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 **deny** the variance to reduce the minimum lot width requirement from 50 feet to approximately 43.7 feet to allow for the lot division of 3837 Xerxes Avenue South in the R1 Single-Family District.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Hodges and Linden Hills Neighborhood Council
3. Correspondence
4. Zoning map
5. Hennepin County plat map
6. Existing survey
7. Proposed development plan/site plan
8. Building elevations
9. Floor plans
10. Renderings
11. Photos of the existing property