

**Department of Community Planning and Economic Development – Planning Division**  
Minor Subdivision Application  
MS-131

**Date:** June 13, 2005

**Applicants:** James Youngblut and Brenda Roth

**Address of Property:** 5010 and 5020 3<sup>rd</sup> Avenue South

**Contact Person and Phone:** James Youngblut 612-822-6906

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** May 16, 2005

**End of 60-Day Decision Period:** July 15, 2005

**Ward:** 11     **Neighborhood Organization:** Field Regina Northrup

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

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

**Zoning Plate Number:** 37

**Comprehensive Plan:** Residential.

**Proposed Use:** Parcel 1 (5010 3<sup>rd</sup> Avenue South) will be 7,364 square feet and contains a single-family home and Parcel 2 (5020 3<sup>rd</sup> Avenue South) will be 14,096 square feet and contains a single-family home.

**Concurrent Review:** Minor Subdivision.

**Applicable Code Provisions:** Chapter 598 Subdivisions.

**Development Plan:** Please see attached survey. Single-family homes exist on both parcels.

**Background:** The subdivision consists of two parcels that each contain two platted lots. The applicants are adjusting the common lot line between the two parcels by moving the north lot line of 5020 3<sup>rd</sup> Avenue South (parcel 2) 25 feet to the north to transfer property from 5010 3<sup>rd</sup> Avenue South (parcel 1). The front walkway of the north parcel is required to be relocated so it connects to the public sidewalk without crossing over the new south parcel. In addition, there is a patio on the north parcel that is required to be removed from the newly created interior side yard setback. The applicant is aware of

these issues and will comply with these zoning code provisions. This site is in a large lot district, so a variance of lot width and area is necessary for the north parcel.

**Required Findings:**

**1 Subdivision is in conformance with the land subdivision regulations and the applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

Both parcels will be in conformance with the requirements of the zoning ordinance and comprehensive plan. Both lots are in conformance with the standards of the subdivision regulations, with the exception of required lot width and lot size. The R1 zoning district requires a lot width of 50 feet. In addition to this zoning code requirement, Section 598.240(2)[a] of the subdivision regulations require that lot width be increased by 10 feet when an alley is not provided. The two lots do not have access to an alley, so the lot width is required to be increased from 50 to 60 feet. Parcel 2 will have a width of 105 feet. Parcel 1, the north parcel, will have a lot width of 55.94 feet. Only Parcel 1 requires the lot width variance from 60 feet to 55.94 feet.

The R1 District requires a minimum lot size of 6,000 square feet. However, Section 598.240(2)[a] of the subdivision regulations requires that lot width be increased in “large-lot districts.” The section states that “lot area shall not be less than the greater of (1) the minimum requirements set forth by the zoning ordinance or (2) the average of the single-family and two-family zoning lots located in whole or in part within three hundred fifty (350) feet or the average of the single-family and two-family zoning lots located in whole or in part within three hundred fifty (350) feet, whichever is greater, where such average lot area exceeds the minimum zoning requirement by fifty (50) percent or more.”

The minimum lot area in the R1 District is 6,000 square feet. The average of the single-family and two-family lots within the same zoning district (the R1 zoning) within 350 feet is 11,593 square feet. This exceeds the minimum lot area of 6,000 square feet by 50 percent ( $6,000 \times 50\% = 3,000$  and  $3,000 + 6,000 = 9,000$ ). Since this average exceeds the minimum of the district by 50 percent, it (11,593) is the minimum lot area under the large lot provision of the subdivision ordinance. Parcel 2 will be 14,096 square feet. It will meet the large lot average and does not need a variance from the subdivision large lot provision. Parcel 1 will be 7,364 square feet and will be 4,229 square feet smaller than the large lot requirement and will require a variance from the large lot provision.

The lots meet the lot size and lot width requirements of the zoning code, but they do not meet the increased standards of the subdivision ordinance that are triggered by the subdivision application, or a splitting of a zoning lot subject to the large lot requirements. To grant a variance from the lot width and lot size requirement of the subdivision ordinance the following findings are required:

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

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(1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.

(2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The purpose of the lot width requirement is to provide room for driveways on lots where there is no alley access. Lot widths are required to be increased to allow for a driveway on the side of the house. Both parcels and homes have existing drives out to 3<sup>rd</sup> Avenue South that will not be affected by the subdivision. Therefore, it is not necessary that both lots have 60 feet of frontage on 3<sup>rd</sup> Avenue and it would be a hardship to require strict adherence to this standard.

The purpose of the lot area requirement is to set a minimum lot area for residential development. In large lot areas the purpose is to prevent large lots from being subdivided into smaller lots changing the unique character of an area. In this case the average of the large lots in the area is 11,593 square feet. Parcel 2, the south parcel will meet the large lot average and Parcel 1, the north parcel, is 4,229 square feet short of the average. This subdivision will not create a new lot. It is adjusting the lot line between two properties. Therefore, the proposed variance will not circumvent the intent of the ordinance nor change the character of the area. It would be a hardship to require strict adherence to this standard.

**2. 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 proposed subdivision will adjust the common lot line between two parcels with existing single-family homes. This will not be out of character with the area and will not add significant congestion to the public streets.

**3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The site does not present the other above noted hazards.

**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.**

No change to the grading is proposed and access is existing.

**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 development.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision application with lot width and area variances located at 5010 and 5020 3<sup>rd</sup> Avenue South.

**Attachments:**

- 1) Zoning map.
- 2) Hennepin County map.
- 3) Survey.
- 4) Photos.