

Department of Community Planning and Economic Development – Planning Division
Variance and Minor Subdivision Application
BZZ-2513 & MS-133

Date: August 15, 2005

Applicants: Leo and Valerie Martin

Address of Property: 3836 & 3840 16th Avenue South

Contact Person and Phone: Leo and Valerie Martin 612-722-3187

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

Date Application Deemed Complete: July 18, 2005

End of 60-Day Decision Period: September 15, 2005

Ward: 8 **Neighborhood Organization:** Bancroft

Existing Zoning: R1A Single-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 32

Comprehensive Plan: Residential.

Proposed Use: Parcel A (3840 16th Avenue South) will be 6,376 square feet and contains a single-family home and Parcel B (3836 16th Avenue South) will be 4,909 square feet and contains a single-family home.

Concurrent Review:

Variance: to reduce the minimum required lot size from 5,000 square feet to 4,909 square feet.

Minor Subdivision: To move the common lot line between two properties.

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent.” Chapter 598 Subdivisions.

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

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Background: The subdivision consists of two platted lots. The applicants are adjusting the common lot line between the two lots by moving the north lot line of 3840 16th Avenue South (Parcel A) 6.18 feet to the north to transfer property from 3836 16th Avenue South (Parcel B). Both parcels will meet all of the requirements of the zoning code and the subdivision ordinance with the exception of lot area for Parcel B, which will be 91 feet short of the required 5,000 square feet.

VARIANCE (to reduce the required lot area from 5,000 square feet to 4,909 square feet)

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The property consists of two platted lots that are being subdivided into two new parcels that meet all of the requirements of the R1A District, except that one of the new parcels (Parcel B) will be 91 square feet short of the required minimum 5,000 square feet of lot area. The northerly lot that requires the variance meets the required lot width, but the new lot line was drawn to avoid bisecting a large tree. Without the variance the applicant would not be able to save the tree. In addition, the applicant would not be able to establish a new parcel that is very close to the code requirements for lot area and is similar in size to the other lots in the area. The only other alternative that does not require variances would be to remove a large tree. This is a hardship. The requested variance will allow a reasonable use of the property.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The site consists of two platted lots that meet the requirement of the R1A District, but with one parcel just under the required minimum lot area. The lot line was drawn in its proposed location to preserve a large tree. This is a condition that is not generally applicable to other properties in the area.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The intent of minimum lot area requirements is to provide a reasonable size lot that that allows for adequate room for the principal and accessory structures, sidewalks and drives, and yards. The one parcel is just under the requirement by approximately 91 square feet. This is not a significant difference that would make developing the lot more difficult than if it were 5,000 square feet. there are other 40 foot wide lots in the area that are under 5,000 square feet. Granting this variance will not circumvent the intent of the ordinance.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The variance should have no effect on congestion, as it will not increase traffic demand at the site. Two single-family home already exist at the site. The variance should not be detrimental to the public welfare or safety and will not increase the danger of fire.

MINOR SUBDIVISION

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 subdivision ordinance and comprehensive plan. Both will be in conformance with the requirements of the zoning code with the exception of lot area for Parcel B, which will be 91 feet short of the required 5,000 square feet in the R1A Single-family District. The applicant has applied for a variance to reduce the required lot size from 5,000 square feet to 4,909 square feet. Staff is recommending approval of the variance.

- 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 alley 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.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the lot area variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the minimum required lot area from 5,000 square feet to 4,909 square feet for property located at 3836 16th Avenue South.

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 application for properties located at 3836 and 3840 16th Avenue South.

Attachments:

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