

**Department of Community Planning and Economic Development – Planning Division**  
Variance and Minor Subdivision Application  
BZZ-2737 & MS-136

**Date:** December 20, 2005

**Applicants:** Steve and Sue Michals

**Address of Property:** 2772 West River Parkway

**Project Name:** Not applicable.

**Contact Person and Phone:** Steve Michals 612-728-0983

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

**Date Application Deemed Complete:** November 10, 2005

**End of 60-Day Decision Period:** January 9, 2006

**Ward:** 9      **Neighborhood Organization:** Longfellow

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

**Existing Overlay Districts:** MR Mississippi River Critical Area and SH Shoreland Overlay Districts

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

**Zoning Plate Number:** 28

**Legal Description:** See survey.

**Existing Use:** Parcel 1 (northerly parcel) will be 13,826 square feet and contains a single-family home and Parcel 2 (southerly parcel) will be 9,222 square feet and is proposed for a new single-family home.

**Concurrent Review:**

**Variance:** To reduce the minimum required lot width from 50 feet to 40 feet.

**Minor Subdivision:** To create two parcels out of one parcel and for a new single-family home. Includes variance of subdivision standards for lot width where there is no alley and lot area in a large lot district.

**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.

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**Development Plan:** Please see attached survey. A single-family home exists on one parcel and a single-family home is proposed for the other.

**Background:** The proposed subdivision would create two parcels out of one parcel. The current parcel is made up of two platted 50 foot wide lots. There is an existing single-family home on the parcel. The applicant would like to create two separate parcels. Parcel 1 is 13,826 square feet and 60 feet wide and will contain an existing single-family home. Parcel 2 is 9,222 square feet and 40 feet wide and is proposed as a site for a new single-family home.

The minimum lot width in the R1 Single-family District is 50 feet. Parcel 1, which is 60 feet meets this standard, but Parcel 2, which is 40 feet does not, so a variance of the zoning code has been applied for to reduce the lot width to 40 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 1 is 60 feet wide and meets this standard. Parcel 2 is 40 feet wide and does not meet this standard, so it will require a variance of the subdivision regulations (in addition to the zoning code variance) for lot width.

The minimum lot area requirement of R1 Single-family District is 6,000 square feet. Both parcels meet this requirement. However, when a parcel is split or subdivided it is subject to section 598.240(2)[a] of the subdivision regulations that requires 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 the same zoning district 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 large lot average in this case is 13,841 square feet, so both parcels will require a variance of the subdivision regulations (not the zoning code) for lot area.

Both parcels are in the MR Mississippi River Critical Area and SH Shoreland Overlay Districts. Any new development is required to comply with the standards of the MR Mississippi river Critical Area and SH Shoreland Overlay Districts and if this split is approved it does not constitute approval to build in these districts.

Any new single-family dwelling is subject to administrative site plan review. The applicant has not yet applied for administrative site plan review and will have to do so before permits may be issued.

As of the writing of this report, staff has not received any comments from the Longfellow Community Council, but will forward any comments, if received, at the Planning Commission meeting.

**VARIANCE (of zoning code regulations to reduce the required lot width from 50 feet to 40 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 parcel is basically flat and is rectangular. The majority of the lots in this area along the West River Parkway were platted at a width of 50 feet. Staff can find no hardship that would justify a reduction in the minimum lot width to 40 feet. The property can be put to a reasonable use under the existing configuration.

- 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 majority of the lots in this area along the West River Parkway are platted at a width of 50 feet. The parcel is basically flat and is rectangular. Staff can find no circumstances that are unique from the other lots along the parkway that would support a variance of the lot width standards. The need for the variance is not created by the code, but rather by the applicant's request to create another buildable parcel.

- 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 and width requirements is to provide reasonably sized lots that allow for adequate room for the principal and accessory structures, sidewalks and drives, and yards. While many of the residential lots in the city are 40 feet wide, the R1 District requires 50 foot wide lots, so the intent of the lot width requirement is also to preserve the character of larger lots in areas where larger lots represent the predominant character. The majority of the lots in this area along the parkway are platted at a width of 50 feet. Granting this variance could 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 significantly increase traffic demand 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. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The proposed subdivision would create two parcels out of one parcel. The current parcel is made up of two platted 50 foot wide lots. There is an existing single-family home on the parcel. The applicant would like to create two separate parcels. Parcel 1 is 13,826 square feet and 60 feet wide and will contain an existing single-family home. Parcel 2 is 9,222 square feet and 40 feet wide and is proposed as a site for a new single-family home.

**Zoning code:**

Both parcels will be in conformance with the requirements of the zoning ordinance, with the exception of required lot width for Parcel 2. The R1 Single-family District requires a minimum lot width of 50 feet. The applicant has requested a variance of the lot width from 50 feet to 40 feet for this parcel. Staff is not recommending approval for this variance (please see the zoning code variance section of this report).

**Subdivision regulations:**

Both parcels are in conformance with the standards of the subdivision regulations, with the exception of required lot width for Parcel 2 and lot area for both parcels.

As noted above, the R1 Single-family District requires a lot width of 50 feet. In addition to this zoning code requirement, Section 598.240(2)[a] of the subdivision regulations requires that lot width be increased by 10 feet when an alley is not provided. The two parcels do not have access to an alley, so the lot width is required to be increased from 50 to 60 feet. Parcel 1, which is 60 feet wide, meets this standard, but Parcel 2, which is 40 feet wide, does not, so a variance of the zoning code has been applied for to reduce the lot width from 50 feet to 40 feet and it will require a variance of the subdivision regulations (in addition to the zoning code variance) for lot width to eliminate the requirement for an additional 10 feet beyond the 50 feet required by the zoning ordinance.

The R1 Single-family District requires a minimum lot area of 6,000 square feet. However, Section 598.240(2)[a] of the subdivision regulations requires that lot area shall 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 the same zoning district 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 Single-family 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 13,841 square feet. This exceeds the minimum lot are of 6,000 square feet by 50 percent ( $6,000 \times 50\% = 3,000$

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and  $3,000 + 6,000 = 9,000$ ). Since this average exceeds the minimum of the district by 50 percent, it (13,841) is the minimum lot area under the large lot provision of the subdivision ordinance. Under the applicant's proposal, Parcel 1 will be 13,826 square feet and Parcel 2 will be 9,222 square feet. Both parcels do not meet the large lot average and require variances from the large lot provision.

The parcels do not meet the increased standards of the subdivision ordinance that are triggered by the subdivision application. To grant a variance from the lot width and lot area 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:

- (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. Parcel 2 is a through lot with access on Dorman Avenue. Therefore, it is not necessary that this parcel have 60 feet of frontage on the parkway and it could be a hardship to require strict adherence to this standard. However, because staff is recommending denial of the minor subdivision, this variance should be denied as a part of subdivision denial. If the Planning Commission approves the minor subdivision, then staff believes that it is appropriate to grant a variance of the subdivision ordinance requirement for an additional 10 feet where there is no alley (this is different that the zoning code variance to reduce the lot width to 40 feet, of which staff can find no hardship).

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 parcels in the area is 13,841 square feet. Under the applicant's proposal, Parcel 1 is 13,826 square feet and Parcel 2 is 9,222 square feet. Both require variances from the large lot average. This subdivision will create a new smaller parcel that will not match the character of the area (please see attached map showing lot sizes in the R1 District within 350 feet) Therefore, the proposed variance may circumvent the intent of the ordinance and may change the character of the area. Staff can find no special circumstance or condition affecting the specific property that the strict application of the provision would deprive the applicant of reasonable use of the land.

**Comprehensive plan**

*The Minneapolis Plan* does not have a designation for this area and the existing land use map in the plan

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shows the area as predominantly low density residential. The plan states the following about housing in Chapter 4:

“Each household in the city has particular needs and the city's future depends on the ability to meet these needs. Neighborhood livability is based on physical conditions, from the quality of housing stock to the condition of the streets. It is also based on social or human factors, many of which were highlighted in the Community Building chapter, including interaction with neighbors, a sense of common purpose and goals, as well as a shared responsibility to take care of resources such as parks and schools. Understanding the elements that maintain this crucial sense of livability is essential to ensuring that the city's future growth fits into the pattern of vital, closely-knit neighborhoods Minneapolis has already established....The Minneapolis Plan directs city efforts to expand and diversify housing options for residents, whether they have highly constrained choice or a great deal of choice in housing. Finally, the last section on housing describes how and where new housing and new amenities, such as commercial services, may be found throughout the city.”

“The diversity of Minneapolis housing reflects the diversity of its citizens. Minneapolis citizens are from different household sizes and have different means. Age, preferences in housing style, and individual needs also vary. The needs of many citizens are met in the existing housing stock. Housing in Minneapolis neighborhoods ranges from primarily owner-occupied single family homes, to areas where high-density residential development is the norm. Two-story homes, bungalows and Victorians dominate in different parts of town. Cooperatives, condominiums, and apartment buildings house many citizens. Newer developments are adding to this diversity with townhomes, row housing, and planned residential developments that use common space in creative ways. Some of these are uniquely viable in Minneapolis because of its unique character as the center of the region.

While condition and management of housing requires ongoing attention in many parts of the city, the diversity of housing in and between neighborhoods is to be embraced and protected. The city's amenities and its identity as the center of the region will continue to attract people with a diversity of needs and interests – from the working class, the creative class and the professional class. Choice in housing supports the vitality represented by this wide-ranging population.”

The plan has the following relevant policy and implementation step from the housing chapter four:

**4.9 Minneapolis will grow by increasing its supply of housing.**

**Implementation Steps**

Support the development of new medium- and high-density housing in appropriate locations throughout the City.

Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

Use new and strengthened strategies and programs to preserve and maintain existing housing stock.

Review policies and practices that determine the appropriate scale of residential development on properties that come into city ownership or request City development assistance.

It is the staff opinion that the subdivision could be considered in conformance with the above noted language of the plan if it were just a simple creation of two lots. However, this site is subject to the large lot provision of the subdivision ordinance and the proposed lots will not meet the large lot average for the area. The City is made up of different types of neighborhoods and large lots districts, particularly around the lakes and the river, and these areas are one of the various types of neighborhoods

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that the comprehensive plan indicates are necessary to preserve. For this reason, staff does not believe that the subdivision is in conformance with the goals of the comprehensive plan.

**2. The 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 subdivision may have an effect on surrounding properties at it will change the large lot character of the area. However, it should not add congestion to the public streets as it would only add one single-family home to the area.

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

One structure is existing and one is proposed. It does not appear that any of the above noted conditions exist at the site.

**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.**

One structure is existing. The proposed lot should be suitable to allow for a single-family home. There is adequate access for a driveway off of Dorman Avenue. The site is subject to the standards MR Mississippi River Critical Area and SH Shoreland Overlay Districts and the new single-family home is subject to administrative site plan review.

**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 and proposed structures. The site is subject to the standards MR Mississippi River Critical Area and SH Shoreland Overlay Districts.

**RECOMMENDATIONS:**

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

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the minimum required lot width from 50 feet to 40 feet for property located at 2772 West River Parkway.

**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 **deny** the minor subdivision application and variances of subdivision ordinance requirements for lot area and width for property located 2772 West River Parkway.

**Attachments:**

- 1) Statement from applicant.
- 2) Zoning map.
- 3) Large lot map.
- 4) Hennepin County map.
- 5) Survey.
- 6) Elevation of possible single-family home.
- 7) Photos.