

Department of Community Planning and Economic Development – Planning Division
Variance and Preliminary and Final Plat Subdivision Application
BZZ-2141 & PL-164

Date: January 10, 2005

Applicants: Riverton Community Housing

Address of Property: 2425-2647 Cole Avenue SE

Contact Person and Phone: Thomas L. Donovan 651-768-7751

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

Date Application Deemed Complete: December 13, 2004

End of 60-Day Decision Period: February 11, 2005

Ward: 2 **Neighborhood Organization:** Como

Existing Zoning: R2B Two-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 16

Existing Use: A six building, 36-unit cluster development. There are six units in each building.

Proposed Use: A replat of 18 lots (one parcel/zoning lot) into 3 lots – two buildings per lot.

Concurrent Review:

Variance: To reduce the required lot area per dwelling unit for proposed Lots 1 and 2.

Subdivision: To replat 18 lots (one existing parcel/zoning lot) into 3 lots.

Applicable Code Provisions: Chapter 525, Article IX Variances, Specifically Section 525.525(2) “to vary the lot area or lot width requirements up to thirty (30) percent....” Chapter 598 Subdivisions.

Development Plan: The development plan shows the existing development. The site is required to be brought into conformance with the approved site plan and zoning code requirements, so dumpster enclosures are required and parking between the building and front lot line and in the front yard setback are required to be removed.

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Background: A rezoning petition from M1-2 and R2B to R3 to permit several four-unit apartment buildings (P-448) was not acted upon by the City in 1981. A six building, 36-unit cluster development was approved as a concept plan review (TR-59) in 1986. Under the 1999 zoning code this project is deemed to have a conditional use permit. The development contains 18 lots all under one tax parcel and zoning lot. The applicant proposes to replat the site into three lots, so that each lot will have two of the buildings. The lots will be sold separately.

The R2B district requires 2,500 square feet of lot area per each dwelling unit. Two of the new lots will not meet this requirement, so the applicant has applied for lot area variances for these lots. Lot 1 can only meet 2,403 square feet per each dwelling unit. This is approximately a four percent variance. Lot 2 can only meet 2,191 square feet per each dwelling unit. This is approximately a 12 percent variance. The density of the site will not change; the variance is necessary due to the reconfiguration of the lot lines on the site.

VARIANCE (to reduce the required lot area per dwelling unit)

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.**

No new units are proposed for the site, but due to the reconfiguring of the lot lines, Lots 1 and 2 can't meet the required 2,500 square feet per dwelling unit. While it may be possible to draw the lot lines in other locations, they might not be able to meet the required setbacks and would not be in the most logical location between the buildings. Granting the variance is a reasonable use of the property if no new units are allowed on Lot 3 that due to the subdivision will have a lot size that is greater than 2,500 square feet per each dwelling unit.

- 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.**

While the site is relatively flat and rectangular, the reconfiguration of lot lines between existing buildings to allow for their sale, while not increasing density, is a condition that is not necessarily found on most residential lots.

- 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 the requirement is to establish an appropriate density for an area. The density of the development will not change and therefore, it should 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.**

Granting the variance will not increase congestion in the public streets, nor will it increase the danger of fire or be detrimental to the public welfare as there will be no changes to the site other than the lot lines.

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.**

The comprehensive plan shows this area as appropriate for residential development. All of the lots will be in conformance with the requirements of the zoning ordinance and subdivision regulations if the lot area variance are granted.

- 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 is to replat 18 lots (one parcel/zoning lot) into 3 lots to allow separate ownership of the existing six buildings. There will be two buildings on each lot. No new construction is proposed.

- 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, utility easements or other hazard.**

The site is basically level and does not present the other noted hazards. The buildings are existing and no new construction is proposed.

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 changes to the grade or access. The buildings are existing and no new construction is proposed.

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.

The utility and drainage provisions are adequate for the proposed development. No new construction is proposed.

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

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 required lot area for Lots 1 and 2 for property located at 2425-2647 Cole Avenue SE subject to the following conditions:

- 1) No additional units are allowed on Lot 3.
- 2) Dumpster enclosures are provided as required by previous approvals and the zoning code.
- 3) All parking and asphalt (except for drives) shall be removed from the front yard setbacks and between the buildings and the front lot line as required by previous approvals and the zoning code.

SUBDIVISION

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final subdivision application for property located at 2425 and 2647 Cole Avenue SE.

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Attachments:

- 1) Letter from applicant.
- 2) Zoning map.
- 3) Hennepin County parcel map.
- 4) Site plan.
- 4) Plat.
- 5) Photo.