

Department of Community Planning and Economic Development – Planning Division
Minor Subdivision Application
MS-198

Date: August 24, 2009

Applicants: NRFP Holdings

Address of Property: 4600 and 4604 Ewing Avenue S

Contact Person and Phone: Sonia Hambrook, (612) 216-5300

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: July 23, 2009

End of 60-Day Decision Period: September 21, 2009

End of 120-Day Decision Period: November 20, 2009

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1A Single-family District, Shoreland Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 29

Comprehensive Plan Designation: Urban Neighborhood

Proposed Use: The parcel at 4600 Ewing Avenue South, identified as Lot 1, will be 5,828 square feet in area and 43 feet in width. This parcel is currently vacant. The applicant intends to submit an application for the construction of a single family home on this property in the near future. The parcel at 4604 Ewing Avenue S, identified as Lot 2, will be 5,420 square feet in area and 40 feet in width and contains a single-family dwelling.

Concurrent Review:

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

- variance of the lot width standards to the subdivision regulations to reduce the minimum lot width of the proposed lots from 50 feet to 43.06 feet, and from 50 feet to 40 feet where there is no alley present.

Applicable Code Provisions: Chapter 598 Subdivisions.

Development Plan: Please see attached plans. A single family home is proposed for the parcel at 4600 Ewing Avenue S.

Background: The subdivision consists of two parcels that were recently created from one larger parcel and recorded with Hennepin County Property Divisions in March 2009. The applicant is now requesting to adjust the common lot line between the two lots by moving the south lot line of 4600 Ewing South two feet to the south, transferring property to 4604 Ewing Avenue South.

The application requires a variance from Section 598.240 of the Subdivision Ordinance, relating to Residential development design- *Lot dimensions*. This section states that lot width for single and two-family dwellings shall be not less than the minimum requirements set forth in the zoning ordinance except where no alley is provided, in which case the required minimum lot width shall be increased by 10 feet. In this case, no alley is provided, resulting in a required minimum lot width of 50 feet. While both lots proposed meet the minimum required lot width in the R1A District of 40 feet, they do not meet the 50 foot minimum lot width required per the Subdivision Ordinance.

An application for site plan review is required for the proposed single family dwelling at 4600 Ewing Avenue S. The proposed lot dimensions are adequate for the construction of a dwelling that meets the required setbacks of the R1A District.

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, with the exception of the required lot width. A variance has been requested accordingly. The existing single family dwelling at 4604 Ewing Avenue S will remain in compliance with the performance requirements of the R1A district after the subdivision. The single family home proposed for 4600 Ewing Avenue S will also be required to comply with all zoning ordinance requirements. After the subdivision, the property at 4600 Ewing Avenue S will be 43.06 feet in width and 5,828.2 square feet in area. The property at 4604 Ewing Avenue S will be 40 feet in width and 5,565.3 square feet in area.

Zoning code:

The parcels will meet the zoning code's minimum lot width and lot area for the R1A District.

Subdivision regulations:

As noted above, the R1A Single-family District requires a lot width of 40 feet. In addition to this zoning code requirement, Section 598.240 of the subdivision regulations requires that lot width for single and two-family dwellings shall be not less than the minimum requirements set forth in the zoning ordinance except where no alley is provided, in which case the required minimum lot width shall be increased by 10 feet. In this case, because no alley is provided, the required minimum lot width is 50 feet, as opposed to the required lot width in the R1A District of 40 feet.

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The property at 4600 Ewing Avenue S is proposed to be 43.06 feet in width and the property at 4604 Ewing Avenue S is proposed to be 40 feet in width. Thus, a variance to the subdivision regulations is 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.

The applicant has stated that the special circumstances affecting the properties are simply that they do not have alley access. The previous lot at 4604 Ewing Avenue S had driveway access from 46th Street. The width of this previous lot was not conducive to creating two lots at a width of 50 feet each, per the recent lot division at Hennepin County. Both lots are currently less than 50 feet in width. The applicant is proposing to mitigate the narrower lot width by providing a shared driveway to both parcels, extending south from 46th Street. Public Works approved the curb cut for this shared driveway situation on July 9, 2009. Copies of the private driveway easement have been provided as well.

(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.

Granting of this variance is not expected to be detrimental to the public welfare or injurious to the other property in the area in which the property is located. As previously stated, the narrower lot width will be mitigated by providing a shared driveway and copies of a private driveway easement have been provided.

Comprehensive plan

Staff has identified the following policies of the *Minneapolis Plan for Sustainable Growth* that are relevant to the submitted applications:

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood.

It is the staff opinion that the subdivision is consistent with the above noted language of the plan.

- 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 one existing single family dwelling. The applicant is proposing a future single family dwelling on the parcel at 4600 Ewing Avenue South. 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 significant changes to the grade are proposed. No alley access exists for either lot. The applicant is proposing a shared driveway extending south from 46th Street to provide access to both properties, through the rear yards. The City of Minneapolis Public Works Department has approved this curb cut for ingress and egress. A driveway easement has been provided by the applicant.

- 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 development.

RECOMMENDATIONS:

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 4600 and 4604 Ewing Avenue S.

Attachments:

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- 1) Zoning map.
- 2) Hennepin County map.
- 3) Surveys.
- 5) Letter from the applicant.
- 5) Elevations of proposed single family home for 4600 Ewing Avenue S.
- 6) Site photos.