

Department of Community Planning and Economic Development – Planning Division
Variance and Minor Subdivision Application
BZZ-2742 & MS-138

Date: December 20, 2005

Applicants: Adam and Janet Neely

Address of Property: 4034 and 4038 Colfax Avenue North

Project Name: Not applicable.

Contact Person and Phone: Adam Neely 763-422-6882

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

Date Application Deemed Complete: November 18, 2005

End of 60-Day Decision Period: January 17, 2006

Ward: 3 **Neighborhood Organization:** Camden-Webber

Existing Zoning: R2B Two-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 4

Legal Description: See survey.

Existing Use: Parcel A (northerly parcel) will be 3,716 square feet and contains a two-family home and Parcel B (southerly parcel) will be 5,231 square feet and contains a two-family home.

Concurrent Review:

Variance: To reduce the minimum required lot area from 5,000 square feet to 3,716 square feet.

Variance: To reduce the minimum required lot width from 40 feet to 29 feet.

Minor Subdivision: To create two parcels out of one parcel.

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. Two-family homes exist on both parcels.

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Background: The proposed subdivision would create two parcels out of one parcel. The current parcel is made up of one platted 50 foot wide lot and 20 feet of another platted lot. There are two duplexes on this parcel. The applicant would like to create separate parcels for the two duplexes and has drawn the new lot line exactly between and parallel to the two structures. Section 535.190 of the zoning ordinance limits the number of principal (except for cluster developments and planned unit developments) to one per zoning lot. This site is currently legally nonconforming. This subdivision would make the structures legally conforming to this provision of the code.

Both parcels will meet all of the requirements of the zoning code and the subdivision ordinance with the exception of lot area and lot width for Parcel A. The R2B district requires 5,000 square feet of lot area for a duplex that was legally established before 1995. It also requires 40 feet of lot width. Parcel A will be 3,716 square feet and 29 feet wide. The maximum lot area and lot width can be reduced by variance is 30 percent. The lot area variance is a 26 percent reduction and the lot width variance is a 28 percent reduction.

VARIANCES (to reduce the required lot area and width)

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.**

Both parcels will meet all of the requirements of the zoning code and the subdivision ordinance with the exception of lot area and lot width for Parcel A. The R2B district requires 5,000 square feet of lot area for a duplex that was legally established before 1995. It also requires 40 feet of lot width. Parcel A will be 3,716 square feet and 29 feet wide. The maximum lot area and lot width can be reduced by variance is 30 percent. The lot area variance is a 26 percent reduction and the lot width variance is a 28 percent reduction.

Section 535.190 of the zoning ordinance limits the number of principal (except for cluster developments and planned unit developments) to one per zoning lot. This site is currently legally nonconforming. This subdivision would make the structures legally conforming to this provision of the code. The only other alternative that does not require variances would be to leave the structures legally nonconforming. 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.**

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The site consists of two legally existing duplexes on one parcel. The applicant proposes to create two parcels, so each duplex can be on its own parcel. The southerly parcel will meet the lot area and width requirements of the R2B District, but the northerly parcel needs lot area and width variances because of the location of the existing duplex. The lot line was drawn in its proposed location to meet required setbacks. 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 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 the northerly parcel is small, it will be large enough for the existing duplex, a future garage, and the provision of setbacks between the structures. 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 duplexes 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. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance 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 and lot width for Parcel A. The R2B district requires 5,000 square feet of lot area for a duplex that was legally established before 1995 and 40 feet of lot width. Parcel A will be 3,716 square feet and 29 feet wide. The maximum lot area and lot width can be reduced by variance is 30 percent. The lot area variance is a 26 percent reduction and the lot width variance is a 28 percent reduction. The applicant has applied for a variance to reduce the required lot area and width. Staff is recommending approval of the variance.

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 proposed subdivision will create two parcels out of one parcel with existing two-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 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.

The structures are existing and the site does not present the 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 structures.

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 3,716 square feet for property located at 4038 Colfax Avenue North.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the lot width 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 width from 40 feet to 29 feet for property located at 4038 Colfax Avenue North.

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 4034 and 4038 Colfax Avenue North.

Attachments:

- 1) Statement from applicant.
- 2) Zoning map.
- 3) Hennepin County map.
- 4) Survey.
- 5) Photos.