



**Request for City Council Committee Action  
From the Department of Community Planning & Economic Development**

**Date:** October 14, 2004

**To:** Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

**Prepared by:** Jim Voll, City Planner, (612) 673-3887

**Approved by:** Barbara Sporlein, Director, Planning

**Subject:** Moratorium Waiver.

**Previous Directives:** None.

<b>Financial Impact:</b> Not applicable
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<b>Community Impact:</b>
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<b>Ward:</b> 3
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<b>Neighborhood Notification:</b> The Hawthorne Neighborhood was notified of the application by a letter. As of the writing of this report, staff has not received any written comments from the neighborhood group.
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<b>City Goals:</b> See staff report
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<b>Comprehensive Plan:</b> See staff report
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<b>Zoning Code:</b> See staff report
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<b>Living Wage/Job Linkage:</b> Not applicable
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<b>Other:</b> Not applicable
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**Background/Supporting Information:** Please see attached staff report.

**Department of Community Planning and Economic Development - Planning Division**  
Waiver From Moratorium Application  
BZZ - 2016

**Date:** October 14, 2004

**Applicant:** Oscar Moses Morales

**Address Of Property:** 2201 Lyndale Avenue North

**Contact Person And Phone:** Terry Vankampen – Aperfect Construction 612-229-7979

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

**Date Application Deemed Complete:** August 13, 2004

**End of 60 Day Decision Period:** October 12, 2004

**Ward:** 3      **Neighborhood Organization:** Hawthorne

**Existing Zoning:** R2B Two-family Residential District

**Reason For Waiver:** To allow the construction of a new two-family home on the lot at 2201 Lyndale Avenue North in the moratorium area that is defined as that part of north Minneapolis north of West Broadway to the Mississippi River and to the city limits and in the Willard-Hay, Near North, Harrison, and Sumner Glenwood Neighborhoods.

**Background:** The City Council has approved a moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units in the area of north Minneapolis bounded by West Broadway Avenue and the Mississippi River north to the city limits and to the city limits and in the Willard-Hay, Near North, Harrison, and Sumner Glenwood Neighborhoods, except housing being developed in conjunction with the Community and Economic Development Department. The interim ordinance (Chapter 578) was approved by the City Council on June 18, 2004 and amended on August 20, 2004.

Oscar Morales plans to build a duplex on the vacant lot at 2201 Lyndale Avenue North to replace a duplex that burned down. The site plan provided does not accurately show property lines and shows the building in the front, corner, and side yard setbacks. If the waiver is approved Mr. Morales will be required to establish nonconforming rights for these setbacks or will he will have to apply for setback variances.

A waiver (BZZ-1933) for a duplex on this site was denied by the City Council on September 24, 2004 (please see attached drawings) due to concern that the design would not meet the future residential design standards being drafted as a part of the moratorium study. Mr. Morales has revised the drawings and is making a second request for a waiver. The difference between the original plans and the revised drawings is that the duplex now has 15 percent windows on the first floor façade facing Lyndale Avenue and there is an entrance at the front of the structure that serves both units.

**Neighborhood Review:** The Hawthorne Neighborhood was notified of the application by a letter. As of the writing of this report, staff has not received any written comments from the neighborhood group.

**Findings:**

Section 529.50 of the Minneapolis Code states that, “a waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purpose for which the interim ordinance is enacted.”

**Hardship:**

Oscar Morales proposes to rebuild a duplex on the vacant lot at 2201 Lyndale Avenue North. Mr. Morales lived in the duplex on the site that recently burned down. The new duplex will be his residence. Mr. Morales has just received his insurance payment and has secured a contractor to construct the new building. A delay at this point could constitute a substantial hardship.

**Interference with the purposes of the moratorium:**

The city council is concerned about the effects of the design of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units, especially in and near older neighborhoods with low and moderate priced housing. The city council is concerned that the design of some newly constructed housing in these neighborhoods is incompatible with the traditional design of surrounding properties and may detract from the desirability of these areas as places to live. The city council also is concerned that the design of some newly constructed housing in these neighborhoods may negatively affect neighborhood livability and discourage homeownership, maintenance and investment in surrounding properties.

The city council is interested in protecting the livability of the study area by preserving the existing character of its traditional residential neighborhoods. Approximately one-third of the city’s total vacant residential lots are located within the study area. Many of these lots are available for residential development at low cost. The city council is concerned about future residential development in the study area without additional design standards for single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units. The city council is concerned that further development without such design standards could negatively affect existing and future residential development and contribute to neighborhood instability.

As a result of the important land use and zoning issues cited above, the city, through its planning division of the Community Planning and Economic Development Department (CPED), will conduct studies to consider possible amendments to the comprehensive plan or official zoning controls to address the issues of design standards for these residential uses. (Residential developments of five units or more are governed by the standards for conditional use permit and site plan review.)

The houses on both sides of the 2200 block of Lyndale Avenue North are mix of single and two-family homes of various architectural styles. (Please see the attached photos of the houses). The proposed home is a “back-to-back” duplex with an entrance off of Lyndale Avenue to both units.

The rear unit is accessed from the front of the structure and through a hallway in the basement as well as an entrance at the rear of the building. There are also side entrances to both units facing 22<sup>nd</sup> Avenue North. In general, this type of development is not encouraged by the code outside of cluster developments and planned unit developments, where amenities are provided in exchange for greater flexibility from the code requirements. Staff could support a “side-by-side” or “up/down” duplex with entrances facing Lyndale.

While the revisions are an improvement over the original proposal, staff can not determine at this time how or if the new regulations that may be adopted as apart of the moratorium study will apply to this situation, so approving the waiver may interfere with the purpose of the moratorium. Therefore, staff does not recommend granting a waiver.

**Recommendation of the Community Planning and Economic Development Department - Planning Division:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Council adopt the above findings and **deny** the waiver application for 2201 Lyndale Avenue North.