

Department of Community Planning and Economic Development
Variances and Preliminary and Final Plat
BZZ-6189 & PL-278

Date: August 26, 2013

Applicant: Bryn Mawr Residential

Address of Property: 296 Vincent Avenue North

Project Name: Bassett Bluff

Contact Person and Phone: Eric Roberts, (612) 750-2425

CPED Staff and Phone: Shanna Sether (612) 673-2307

Date Application Deemed Complete: July 29, 2012

End of 60-Day Decision Period: September 27, 2012

Ward: 7 **Neighborhood Organization:** Bryn Mawr Neighborhood Association

Existing Zoning: R1 Single-family District

Existing Overlay District: SH Shoreland Overlay District

Zoning Plate Number: 12

Legal Description: See survey.

Proposed Use: Four new parcels created out of one parcel with three new single-family dwellings and one existing two-family dwelling.

Concurrent Review:

- Variance to reduce the required front yard setback along Vincent Avenue North from the setback established by the adjacent structure to the north from approximately 54.3 feet to 20 feet to allow for the construction of a new single-family dwelling on proposed Lot 1.
- Variance to reduce the required front yard setback along Vincent Avenue North from the setback established by the adjacent structure to the north from approximately 40.4 feet to 13.2 feet to allow for the construction of a new single-family dwelling on proposed Lot 2.
- Variance to reduce the minimum lot area requirement from 12,000 square feet to approximately 9,100 square feet to allow for an existing duplex on proposed Lot 3.
- Preliminary and Final Plat that would create four parcels from one parcel located at 296 Vincent Avenue North.

Department of Community and Economic Development Report
BZZ-6189 & PL-278

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(1) “to vary the minimum yard requirements” and Section 525.520(2) “To vary the minimum lot width and lot area requirements,” Chapter 546 Residence Districts and Chapter 598 Subdivisions.

Development Plan: Please see attached preliminary plat (survey). The parcel has one existing two-family dwelling that would remain and the remainder of the lot would be divided in order to allow for three new parcels with new single-family dwellings.

Background: The proposed subdivision would create four parcels out of one parcel. The current parcel is approximately 256.5 feet by 128 feet (32,595 square feet). The parcel has an existing two-family dwelling that was constructed in 1904 and a two-car attached garage was added to the rear of the structure in 1939. The applicant is proposing to create four separate parcels out of one parcel. Proposed Lots 1, 2 and 4 will allow for the future construction of three new single-family dwellings on each lot. Proposed Lot 3 would retain the existing two-family dwelling with an attached garage.

The minimum front yard setback in the R1 District is 25 feet. However, the required front yard shall be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. The adjacent dwelling to the north is setback approximately 63 feet to the front property line along Vincent Avenue North. The existing two-family dwelling is located approximately 13.8 feet to the front property line. In this case, the front yard setback is increased based on the location of the adjacent structures. The minimum required front yard along Vincent Avenue North for Lot 1 has been increased to approximately 54.3 feet to the front property line. The applicant is showing the proposed footprint of a new-single-family dwelling 20 feet from the front property line and has requested a variance to allow for the proposed location. The minimum required front yard along Vincent Avenue North for Lot 2 has been increased to approximately 40.4 feet to the front property line. The applicant is showing the proposed footprint of a new-single-family dwelling 13 feet from the front property line and has requested a variance to allow for the proposed location.

The existing two-family dwelling was permitted for construction in its present location in 1904. The subject property is zoned R1 Single-Family District. The minimum lot area requirement per dwelling in the R1 District is 6,000 square feet. In order to allow for the two-family dwelling to exist on its own zoning lot, the minimum lot area required is 12,000 square feet. Proposed Lot 3 would contain the existing two-family dwelling and would have a lot area of approximately 9,100 square feet. Therefore, the applicant is seeking a variance to reduce the minimum lot area requirement from 12,000 square feet to approximately 9,100 square feet (24%) to allow for the existing two-family dwelling on proposed Lot 3.

The applicant is not proposing construction of Lots 1, 2 or 4, at this time. The future development of the three single-family dwellings will be subject to the conditions of the design standards outlined in section 530.280 in the zoning ordinance.

530.280. Design standards. New single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General Applicability, related to front entrance, window area, and walkway requirements, and

limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of fifteen (15) points from Table 530-2, Single and two-family dwellings and multiple-family dwellings having three or four dwelling units. Standards used to meet the minimum requirement must remain in place for a period of not less than fifteen (15) years from the date of approval.

As of the writing of this report, staff has not received any comments from the Bryn Mawr Neighborhood Association. Staff will distribute any written comments to the planning commission at the public hearing.

Findings Required by the Minneapolis Zoning Code:

VARIANCES: to reduce the required front yard setback along Vincent Avenue North determined by the setback established by the adjacent structure to the north from approximately 54.3 feet to 20 feet to allow for the construction of a new single-family dwelling on proposed Lot 1 and from approximately 40.4 feet to 13.2 feet to allow for the construction of a new single-family dwelling on proposed Lot 2.

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the adjacent neighbor's house, the grade and adjacent Bassett Creek and existing tree canopies at the rear of the property. The minimum front yard setback in the R1 District is 25 feet, but has been increased to approximately 54.3 feet for proposed Lot 1 and 40.4 feet for proposed Lot 2 due to the location of the adjacent structure to the north. The existing dwelling to the north is setback approximately 63 feet, which is further than the adjacent dwellings and is inconsistent with the development pattern along the block face. The applicant is proposing to divide one parcel into four parcels. The subject property is approximately 125 feet from Bassett Creek and within the SH Shoreland Overlay District. The grade slopes towards the creek and there are several mature trees at the rear of the site. The applicant is not proposing the construction of Lots 1, 2 or 4, at this time. However, the applicant has sited the location of the future single-family structures on the development plan to ensure the protection of the existing slope and mature trees. The single-family dwelling on Lot 1 is proposed to be 20 feet to the front setback and 13 feet on proposed Lot 2. Staff finds that these circumstances have created practical difficulties in complying with the ordinance.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The applicant is seeking a variance to reduce the front yard setback established by the adjacent residential structure along Vincent Avenue North to allow for the construction of two new single-family dwellings on proposed Lots 1 and 2. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The minimum front yard setback in the R1 District is 25 feet, but has been increased to approximately 54.3 feet for proposed Lot 1 and 40.4 feet for proposed Lot 2 due to the location of the adjacent to the north. Their existing dwelling to the north is setback

Department of Community and Economic Development Report
BZZ-6189 & PL-278

approximately 63 feet, which is further than the adjacent dwellings and is inconsistent with the development pattern along the block face. The applicant sited the proposed building footprints 20 feet and 13 feet to the front property line on Lots 1 and 2, respectively, to ensure protection of the natural slope and landscape at the rear of the property. Staff finds that the applicant is proposing to use the property in a reasonable manner.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Staff finds that the granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The applicant is proposing building footprints for two new single-family dwellings on Lots 1 and 2, consistent with the location of adjacent structures on the block face. The adjacent dwelling to the north is setback approximately 63 feet and is out of character with the remainder of the block face. Further, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

VARIANCE: Variance to reduce the minimum lot area requirement from 12,000 square feet to approximately 9,100 square feet to allow for an existing duplex on proposed Lot 3.

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Practical difficulties exist in complying with the ordinance because of unique circumstances of the property, which were not created by the applicant. The existing land use of the parcel is a two-family dwelling that was constructed in 1904, prior to the first zoning code in 1924. The zoning classification was Residence District from 1924 to 1963, which would have permitted a single- or two-family dwelling on the property without a minimum lot area per dwelling requirement. The property was rezoned to R1 Single-Family District in 1963 and is presently zoned R1. The R1 District was established to provide for an environment of predominately low density, single-family dwellings and cluster developments. The proposed density of the two family dwelling would be 10.4 units per acres, which is consistent with the low density classification of less than 20 units per acres. There are eight other two-family dwellings within 350 feet of the subject property. The average lot area for these two-family dwellings is approximately 5,600 square feet. Proposed Lot 3 would be approximately 9,100 square feet in size and the existing two-family dwelling would exist in this location, as it has for almost 110 years.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The R1 District was established to provide for an environment of predominately low density, single-family dwellings and cluster developments. The proposed density of the two family dwelling would be 10.4 units per acre, which is consistent with the low density classification of less than 20 units per acres. Proposed Lot 3 would be approximately 9,100 square feet in size and

the existing two-family dwelling would exist in this location, as it has for almost 110 years. Lot area requirements are established to ensure compatibility with surrounding uses. The overall surrounding area consists of single- and two-family structures and industrial uses to the east, beyond the creek. There are eight other two-family dwellings within 350 feet of the subject property. The average lot area for these two-family dwellings is approximately 5,600 square feet. Staff finds that the proposed lot size of the property that would allow for the retention of the structure, consistent with the density of the surrounding area would be a reasonable use of the property.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The surrounding area includes single- and two-family dwellings and industrial uses to the east. The applicant is seeking a variance to allow for an existing two-family dwelling on a lot approximately 9,100 square feet in area that was constructed on the property in 1904. There are eight other two-family dwellings within 350 feet of the subject property. The average lot area for these two-family dwellings is approximately 5,600 square feet. Therefore, staff finds that the proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Finally, if granted the proposed variances will not be detrimental to the health, safety or welfare of the general public.

Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Staff finds that the proposed project will prevent soil erosion and other possible pollution during and after construction. The applicant has sited the proposed building footprints on Lots 1, 2 and 4 to preserve and protect the existing slope condition and mature trees. Future development of these lots will require adherence to best management practices to prevent the soil erosion or other possible pollution of Bassett Creek, both during and after construction. Therefore, the proposed project area will not be significantly altered to adversely affect the water quality of Bassett Creek.

- 2. Limiting the visibility of structures and other development from protected waters.**

The applicant has sited the three future single-family dwellings to protect the existing slope condition and retain the existing mature tree canopy that exists between the subject property and Bassett Creek. The existing two-family dwelling and future development of single-family dwellings on proposed Lots 1, 2 and 4 will be consistent with the appearance of the existing area.

- 3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**

There is a paper alley that is owned by the City of Minneapolis immediately adjacent to the east of the subject property. Beyond the platted alley is parkland, including Bassett Creek. The

subject property does have access to Bassett Creek; however, the existing use and future development will have no impact on watercraft usage on the creek.

PRELIMINARY AND FINAL PLAT

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 four parcels out of one parcel. Proposed Lot 1 would be approximately 7,500 square feet in area and would allow for the future construction of a single-family dwelling. Proposed Lot 2 would be approximately 7,700 square feet in size would allow for the future construction of a single-family dwelling. Proposed Lot 3 would be approximately 9,100 square feet and would retain the existing two-family dwelling with attached garage. Proposed Lot 4 would be approximately 8,300 square feet in area and would allow for the future construction of a new single-family dwelling.

Zoning code:

The applicant has requested variances to reduce the front yard setback along Vincent Avenue North to allow for the future construction of two new single-family dwellings on proposed Lots 1 and 2. The applicant has requested a variance to reduce the minimum lot area requirement from 12,000 square feet to approximately 9,100 square feet to allow for an existing duplex on proposed Lot 3. Staff is recommending approval of the requested variances.

Subdivision regulations:

The proposed parcels meet the subdivision regulations.

Comprehensive plan

Staff has identified the following policies of the *Minneapolis Plan for Sustainable Growth* that is 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.

Staff finds that the proposed subdivision is consistent with the above noted language 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 will not have an adverse effect on surrounding properties or change the character of the area. Although three of the lots have not been developed previously, the three new single-family dwellings will be consistent with the use and density of the area. Further, the proposed dwellings will allow for adequate off-street parking; therefore, the subdivision should not add 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 subject parcel is located approximately 125 feet from Bassett Creek. The entire subject property is located in the SH Shoreland Overlay District. None of the other hazards exist on the subject property. The grade slopes towards the creek and there are several mature trees at the rear of the site. The applicant is not proposing the construction of Lots 1, 2 or 4, at this time. However, the applicant has sited the location of the future single-family structures on the development plan to ensure the protection of the existing slope and mature trees.

- 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.**

The applicant has sited the three proposed single-family dwellings to allow for the future construction in such a way to ensure minimum alteration of the existing topography and slope condition. The subject property is adjacent to a platted alley that exists solely on paper, with no plans for future construction. The applicant is proposing to add three new curb cuts and driveways that would access off-street parking areas for each dwelling. The proposed plan would preserve the mature trees on the property.

- 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 applicants have provided a site plan that encourages the on-site retention of storm and surface runoff of the existing property before and after the proposed construction. Staff finds that the proposed project will prevent soil erosion and other possible pollution during and after construction. The applicant has sited the proposed building footprints on Lots 1, 2 and 4 to preserve and protect the existing slope condition and mature trees. Future development of these lots will require adherence to best management practices to prevent the soil erosion or other possible pollution of Bassett Creek, both during and after construction. Therefore, the proposed project area will not be significantly altered to adversely affect the water quality of Bassett Creek.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the required front yard setback along Vincent Avenue North from the setback established by the adjacent structure to the north from approximately 54.3 feet to 20 feet to allow for the construction of a new single-family dwelling on proposed Lot 1, located at 296 Vincent Avenue North in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by August 26, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the to reduce the required front yard setback along Vincent Avenue North from the setback established by the adjacent structure to the north from approximately 40.4 feet to 13.2 feet to allow for the construction of a new single-family dwelling on proposed Lot 2, located at 296 Vincent Avenue North in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by August 26, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area requirement from 12,000 square feet to approximately 9,100 square feet to allow for an existing duplex on proposed Lot 3 located at 296 Vincent Avenue North in the R1 Single-Family District and SH Shoreland Overlay District.

Recommendation of the Community Planning and Economic Development Department:

The Community Planning and Economic Development Department recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat that would create four parcels from one parcel located at 296 Vincent Avenue North.

Attachments:

- 1) Statement and findings from applicant
- 2) Copy of letter sent to council member Goodman and Bryn Mawr Neighborhood Association
- 3) Zoning map
- 4) Hennepin County map
- 5) Existing survey
- 6) Preliminary plat
- 7) Final plat
- 8) Floor plans
- 9) Building elevations
- 10) Photos