Minneapolis
City of Lakes

CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
BOA Agenda Item #3
April 21, 2016
BZZ-7629

LAND USE APPLICATION SUMMARY

Property Location: 4826 Chowen Avenue South
Project Name: 4826 Chowen Avenue South Lot Split
Prepared By: Janelle Widmeier, Senior City Planner, (612) 673-3156
Applicant: Christopher and Alicia Hammerstrand
Project Contact: Charlie Adair
Request: Divide the site into two separate parcels of the same size.
Required Applications:

Variance	To reduce the minimum lot area requirements of both parcels from 6,000 square feet to 5,350 square feet.
Variance	To reduce the minimum lot width requirements of both parcels from 50 feet to 42 feet.

SITE DATA

Existing Zoning	R1 Single-Family District
Lot Area	10,700 square feet
Ward(s)	13
Neighborhood(s)	Fulton Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable.
Small Area Plan(s)	Not applicable.

Date Application Deemed Complete	March 14, 2016	**Date Extension Letter Sent**	Not applicable
End of 60-Day Decision Period	May 13, 2016	**End of 120-Day Decision Period**	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site of 4826 Chowen Avenue South is comprised of two underlying platted lots, Lots 7 and 8 of Block 2, Rutland Lake Harriet Park Addition. The total width is 84 feet. There is an existing single-family dwelling on the property, which was permitted for construction in 1949. A detached garage is located in the northwest corner of the property.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. Uses in the immediate area are predominantly single-family dwellings. Pershing Park is located across the street.

PROJECT DESCRIPTION. The applicant is proposing to divide the subject property into two lots of equal size along the original, underlying platted lot line. The single-family dwelling and garage would be demolished to allow for the construction of two new single-family dwellings, each with a detached garage. Because the lot division would occur along the original, underlying platted lot line, it can be processed administratively provided all other zoning requirements are met. The R1 District requires a minimum lot width of 50 feet and minimum lot area of 6,000 square feet per parcel. Both parcels would be 42 feet wide and 5,350 square feet in area. Variances are required to reduce these requirements before the lot division can be authorized.

The proposed conceptual site plan indicates a setback of 5.5 feet from the interior side lot lines for the proposed dwellings. The minimum interior side yard requirement is 6 feet for lots 42 feet in width. The applicant has indicated that the proposed dwellings will comply with the applicable yard requirements. If the lot area and lot width variances are approved, the plans submitted for the new dwellings will need to comply with all applicable zoning regulations.

PUBLIC COMMENTS. An email from the neighborhood group, Fulton Neighborhood Association, was received and is attached to this report. Any additional correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum lot area requirements of both parcels from 6,000 square feet to 5,350 square feet and a variance reduce the minimum lot width requirements of both parcels from 50 feet to 42 feet to allow a lot division into two parcels based on the following findings:

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.*

   Both variances: Practical difficulties exist in complying with the minimum lot area and lot width requirements due to circumstances unique to the property. The subject site was originally two platted lots with the lot areas proposed by the applicant. The applicant is proposing to divide the site according to the original platting. The subject site and properties to the south are zoned R1, where the minimum lot size requirement is 6,000 square feet and the minimum lot width requirement is 50 feet. However, the regulations of the district would prevent the applicant from creating parcels that are consistent with the predominant width and area on the same block. With

the existing lot area, a much larger dwelling could be constructed on the site, which would be out of character with the moderately sized 1 to 2 story homes in the surrounding area. These circumstances have not been created by the property owner.

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.*

   Both variances: In general, lot area and width requirements are established to ensure compatibility with surrounding uses. The R1 Single-Family District is established to provide for an environment of predominantly low density, single-family dwellings and cluster developments with a minimum of 6,000 square feet of lot area per dwelling unit. The lot size standards are intended to reinforce the predominant character of the City's lowest density residence district. The subject site was originally two platted lots with the lot areas proposed by the applicant. The applicant is proposing to divide the site according to the original platting. These lots would be consistent with the predominant width and area on the same block. Of the 24 properties on the block, 15 (62 percent) are currently 42 feet or less in width. Both proposed lots would have alley access. A lot split that follows the original platting, resulting in each lot having 5,350 square feet of lot area, to allow for single-family residential development would be a reasonable use of the property. The request is reasonable and consistent with the intent of the ordinance and the comprehensive plan.

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.*

   Both variances: The granting of the variances would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. Uses in the immediate area are predominantly single-family dwellings. The proposed lots would be consistent with the predominant width and area on the same block. Both proposed parcels would be sufficient in size to allow for construction of a new single-family dwelling without the need for additional variances. The granting of the lot size variances would not be detrimental to the health, safety or welfare of the public or those utilizing the property. Also, the future construction of a single-family dwelling will require administrative site plan review and a building permit to ensure compliance with the applicable building codes and life safety ordinances.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by Christopher and Alicia Hammerstrand for the property located at 4826 Chowen Avenue South:

A. Variance to reduce the minimum lot area requirement.

Recommended motion: **Approve** the variance to reduce the minimum lot area requirement from 6,000 square feet to 5,350 square feet for both proposed parcels to allow a lot division, subject to the following conditions:

1. Approval of the lot division by the Department of Community Planning and Economic Development.

B. Variance to reduce the minimum lot width requirement.

Recommended motion: **Approve** the variance to reduce the minimum lot width requirement from 50 feet to 42 feet for both proposed parcels to allow a lot division, subject to the following conditions:

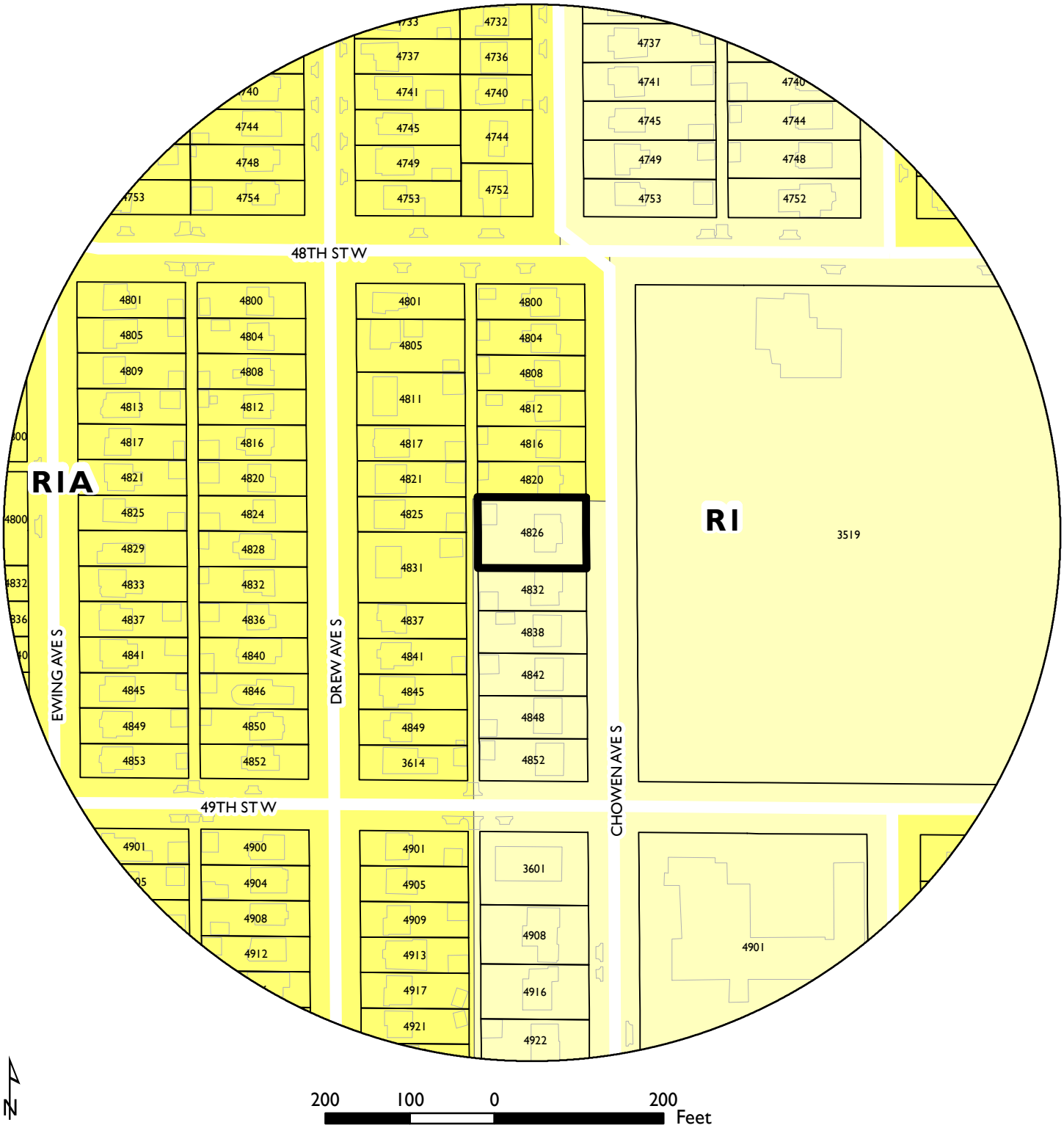
1. Approval of the lot division by the Department of Community Planning and Economic Development.

ATTACHMENTS

1. Zoning map
2. Hennepin County map of surrounding properties and lot width
3. Written description and findings submitted by applicant
4. Site survey
5. Proposed site plan
6. Photos
7. Comments received

Christopher and Alicia Hammerstrand **13**

NAME OF APPLICANT WARD



PROPERTY ADDRESS

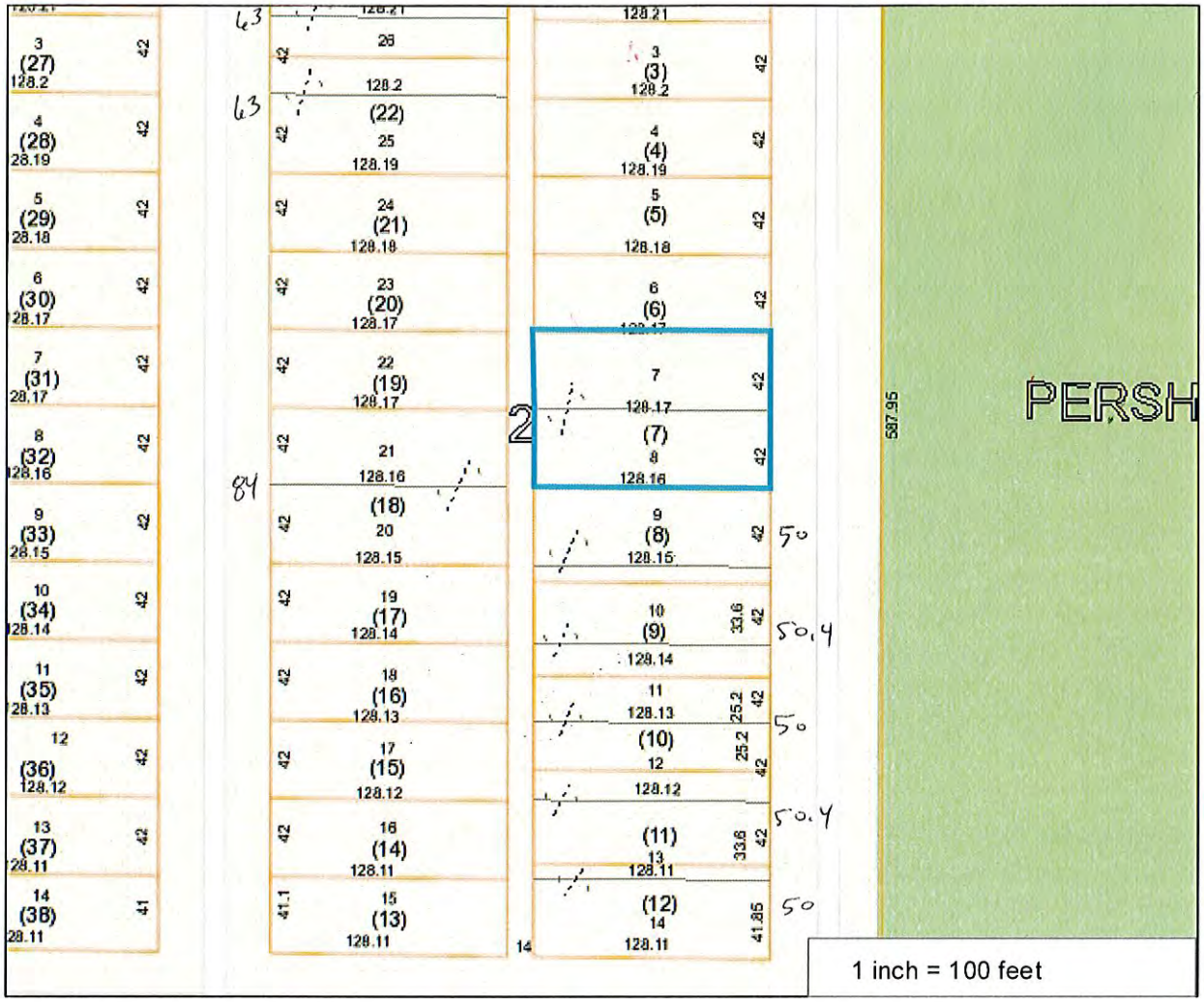
4826 Chowen Avenue South

FILE NUMBER

BZZ-7629

Hennepin County Property Map

Date: 4/1/2016



PARCEL ID: 1702824230007

OWNER NAME: C Hammerstrand Et Al

PARCEL ADDRESS: 4826 Chowen Ave S, Minneapolis MN 55410

PROPERTY TYPE: Residential

HOMESTEAD: Homestead

PARCEL AREA: 0.25 acres, 10,762 sq ft

A-T-B: Torrens

MARKET VALUE: $351,500

TAX TOTAL: $5,505.94

SALE PRICE: $115,000

SALE DATA: 09/1995

SALE CODE: Other – See Certificate Of Real Estate Value (Crv)

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is notsuitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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Statement of Proposed Use

4826 Chowen Ave S Variance Application

We are proposing to split the lot at 4826 Chowen Ave S in Minneapolis, which is currently 84' wide x 128' deep and encompasses both Lots 7 and 8, into two separate tax parcels, each 42' by 128' deep, following the original platting of the block. If the variance is approved, our plan is to demolish the existing single-family home, which stretches across the boundary between lots 7 and 8, and construct two new single family homes, one each on lot 7 and lot 8.

PROJECT NARRATIVE – VARIANCES and LOT SPLIT APPLICATION
4826 Chowen Ave South
Minneapolis, Minnesota

Summary

The property at 4826 Chowen Ave S, in the Fulton neighborhood of Southwest Minneapolis, is comprised of two 42 foot x 128 foot lots (Lots 7 and 8, Block 2, Rutland Lake Harriet Park, Hennepin CO, MN) that have been combined into a larger parcel (84 feet x 128 feet), with a single 1950s rambler built across them. The property marks the northernmost boundary of R1 zoning for the block. All the properties to the north on the 4800 block of Chowen, as well as all the properties to the rear, across the alley (all properties on 4900 block of Drew), are zoned R1A.

The home on the property has a great deal of deferred maintenance and is functionally outdated. The owners recognize the buyer of their home will likely demolish the property. A new owner could build a very large home on the lot that would be out of character with the neighborhood and the rest of the block.

The owners are proposing to split the lot back into two 42 foot x 128 foot lots (each 5,376 square feet), with the aim of allowing one new single family home to be constructed on each resulting lot. Each new home would meet all new setback, FAR and impervious surface requirements. If approved, the resulting lots would be i) going back to their original platting, without moving any of the original boundary lines; ii) the same size as all six lots to the north on the 4800 block of Chowen Ave S; iii) not out of character with the five lots to the south on the 4800 block, which are 50 feet by 128 feet lots; and iv) would be a very standard lot size for the neighborhood in general.

The actions requested do not diminish the welfare of the surrounding neighbors and neighborhood. The changes would be in harmony with the current surrounding neighborhood reinvestments and would provide a better transition from the R1A to R1 zoning than a single, much larger home would.

Site Description

4826 Chowen is in the R1 zoning district, but it is the northernmost property on the street that is R1, and the zoning switches from R1 to R1A in the middle of the block, at the property line between 4820 Chowen Ave S (the neighbor to the north) and 4826 Chowen Ave S. (the subject property.) If 4826 Chowen were in the R1A district, it is our understanding the lot split could be done administratively. All the neighbors to the north on this block of Chowen, as well as all the properties on the 4600 through 4900 blocks of Ewing and Drew, including all the neighbors directly behind the property (across the alley), are in the R1A zoning district. Pershing Field is across the street from the property and has no dwellings on it.

At 84 feet by 128 feet (10,700 square feet), 4826 Chowen is significantly out of character for the block.

Lot Width Variance Request:
City code requires a lot width of 50 feet in the R1 district when a new lot is subdivided. It seems the original owner of the land in this case bought two lots, creating a double lot, which is not normal for the block. To restore the pattern of 40-50' lot widths on this block, a variance is required. I offer the following comments that allow the findings for a variance to be granted:

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 current zoning does not allow this lot, which is unusually wide for the area and the only double lot on the block, to be split in two, even though doing so would create a very standard-sized lot for the block and neighborhood, would appear to be going back to the original platting of the block, and would likely prevent an unusually large home, out of character for the block, from being built.

- If the property were in the R1A zone, as are the neighbors immediately adjacent to the north and west, the lot split could be accomplished without a variance.

- The current owners/applicant did not combine the two lots into the existing 84-foot-wide parcel, nor establish the pattern of 42-50 foot lots on this block and in the area.

- The economics and marketability of building two reasonably-sized homes instead of one large home is not the sole concern. The pattern of the block and scale of the existing homes is worth respecting.

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

- Creation of two parcels from a lot this size, and allowing two new modestly-sized single family homes, which respect all setback, FAR, and impervious surface requirements, will be in keeping with the spirit and intent of the ordinance and comprehensive plan. The resulting lots and home sizes would be very common for both the block and area.

3. The proposed variance will not alter the essential character or the locality or be injurious to the use of 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 resulting lots and home sizes would be very common for both the block and area. There is nothing about the proposed new lot lines or homes that would be out of character for the area or detrimental to the health, safety, or welfare of the general public or of those living in the homes or nearby properties.

Lot Size Variance Request:

City code requires a minimum of 6,000 square feet in the R1 district when a new lot is subdivided. The subject parcel is over 10,000 square feet, which is not normal for the block. To restore the pattern of 5000-6000 square foot lots on this block, a variance is required. I offer the following comments that allow the findings for a variance to be granted:

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 current zoning does not allow this lot, which is unusually large for the area and the only double lot on the block, to be split in two, even though doing so would create a very standard-sized lot for the block and neighborhood, would appear to be going back to the original platting of the block, and would likely prevent an unusually large home, out of character for the block, from being built.

- If the property were in the R1A zone, as are the neighbors immediately adjacent to the north and west, the lot split could be accomplished without a variance.

- The current owners/applicant did not combine the two lots into the existing 10,700 square foot parcel, nor establish the pattern of 5000-6000 square foot lots on this block and in the area.

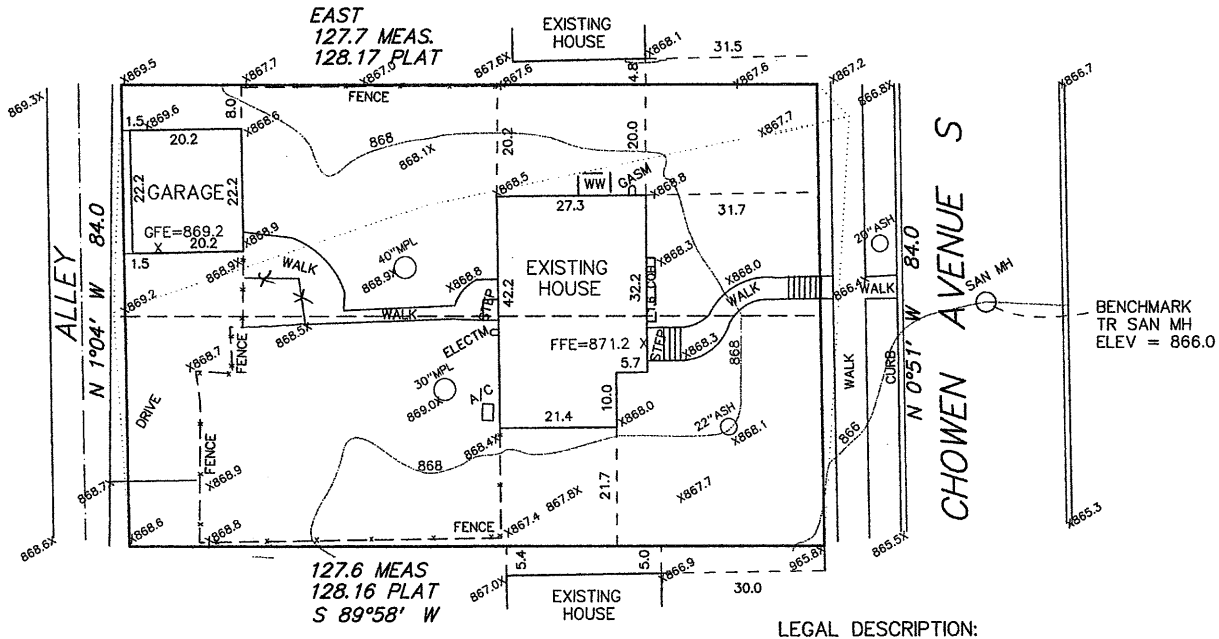
- The economics and marketability of building two reasonably-sized homes instead of one large home is not the sole concern. The pattern of the block and scale of the existing homes is worth respecting.

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

- Creation of two parcels from a lot this size, and allowing two new modestly-sized single family homes, which respect all setback, FAR, and impervious surface requirements, will be in keeping with the spirit and intent of the ordinance and comprehensive plan. The resulting lots and home sizes would be very common for both the block and area.

3. The proposed variance will not alter the essential character or the locality or be injurious to the use of 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 resulting lots and home sizes would be very common for both the block and area. There is nothing about the proposed new lot lines or homes that would be out of character for the area or detrimental to the health, safety, or welfare of the general public or of those living in the homes or nearby properties.



0 20 40 60

SCALE IN FEET

X992.5 = EXISTING SPOT ELEVATION.

X(998.0) = PROPOSED SPOT ELEVATION

..... = DIRECTION SURFACE DRAINAGE

COH = CANTILEVERED OVERHANG

OHL = OVERHEAD UTILITY LINE

GFE = GARAGE FLOOR ELEVATION

TFE = TOP OF FOUNDATION ELEVATION

LFE = LOWEST FLOOR ELEVATION

STRUCTURE HARDCOVER
EXISTING

HOUSE = 1110 SF
GARAGE = 450 SF
TOTAL = 1560 SF/ 14.6%

LEGAL DESCRIPTION:
LOTS 7 AND 8, BLOCK 2, RUTLAND
LAKE HARRIET PARK, HENNEPIN CO., MN.

ADDRESS – 4826 CHOWEN AVE S
PID#17-028-24-23-0007

LOT AREA = 10700 SF/ 0.24 AC

SURVEY IS SUBJECT TO CHANGE PER
TITLE OR EASEMENT INFORMATION

VERIFY ALL DIMENSIONS AND
ELEVATIONS WITH HOUSE PLANS

VERIFY ALL SETBACKS WITH CITY

Land
Frank R. Cardarelle Surveyor
6440 FLYING CLOUD DRIVE
EDEN PRAIRIE, MN 55344
952-941-3031

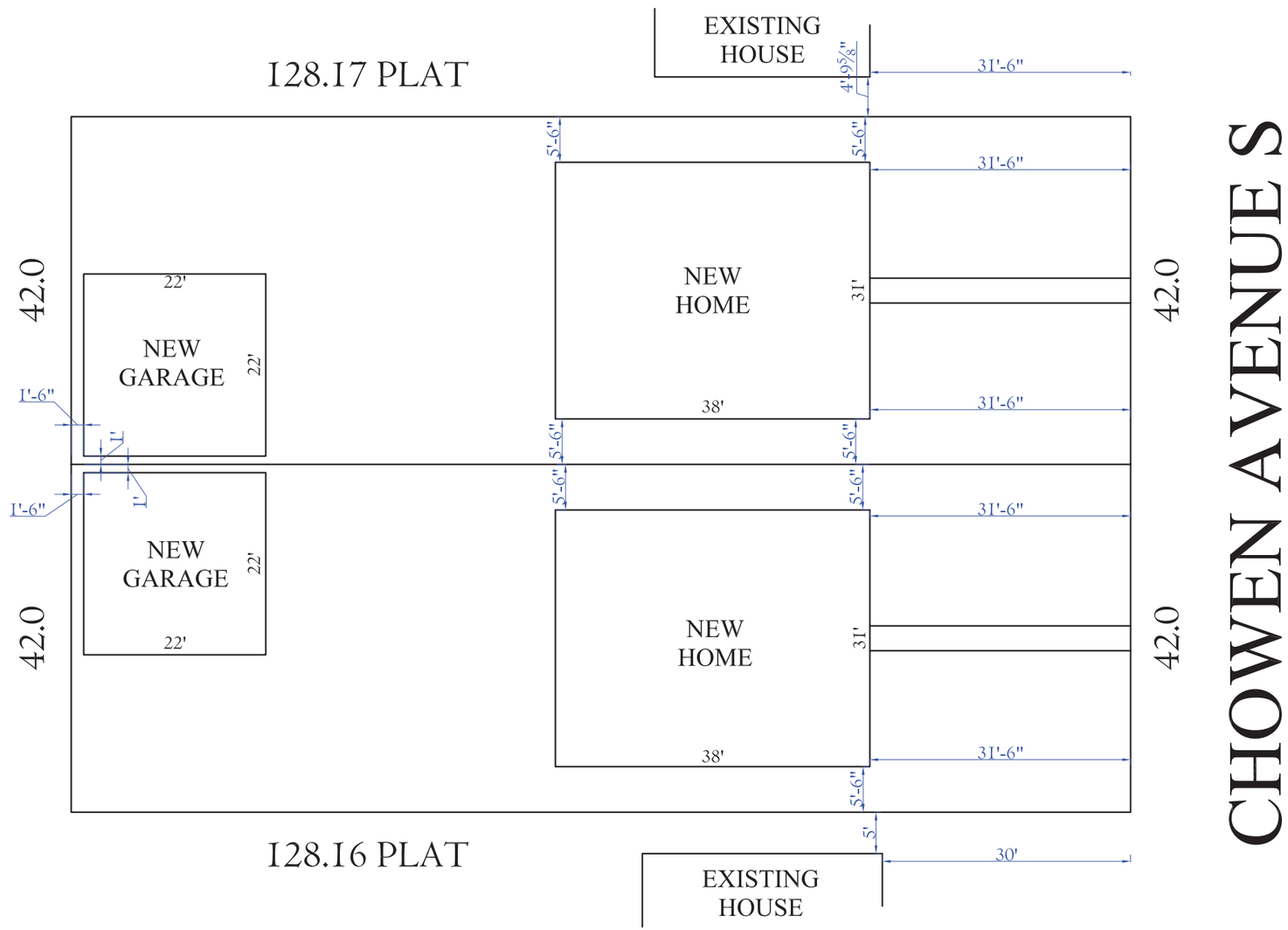
BUILDING
PERMIT SURVEY

HAMMERSTRAND RESIDENCE
4826 CHOWEN AVE S

PROJECT NO.
BOOK
PAGE
DATE FEB 26, 2015
REVISIONS

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

FRANK R. CARDARELLE REG. NO. 6508



1 SITE PLAN for 4826 Chowen Ave S.

SCALE: 1/16" = 1' for 11x17 dwg.

4826 Chowen Ave S - Front of Property

4826 Chowen Ave S Perspective

4826 Chowen Ave S - Front of Property + Neighbor to the North (25’ between homes)

4826 Chowen Ave S - Front of Property + Neighbor to the South (26’ between homes)

4826 Chowen Ave - Neighbors to the north

4826 Chowen Ave S - Neighbors to the south

4826 Chowen Ave S - north side of home

4826 Chowen Ave S - backyard facing home

4826 Chowen Ave S - backyard facing garage

4826 Chowen Ave S - garage

4826 Chowen Ave S - alley and garage

4826 Chowen Ave S - alley and garage

Widmeier, Janelle A.

From: Adair, Charlie <CharlieAdair@edinarealty.com>
Sent: Thursday, March 17, 2016 1:15 PM
To: Widmeier, Janelle A.
Subject: Fwd: 4826 Chowen Ave S Variance Application

Hi Janelle. Please see below and add to the variance application, if you feel that's appropriate. Thank you!

Charlie Adair
Edina Realty
612-986-2480
www.charlieadair.com
2016 Edina Realty Chairman's Circle
2010-2015 Super Real Estate Agent

Begin forwarded message:

From: Christopher Strom <chris@christopherstrom.com>
Date: March 17, 2016 at 3:47:58 AM PDT
To: "charlieadair@edinarealty.com" <charlieadair@edinarealty.com>
Cc: Ruth Olson <sr4olson@usfamily.net>, jkohnen <jkohnen@usiwireless.com>, Brigg Backer <brbacker@cbburnet.com>, Andrew Michaelson <anmichaelson@gmail.com>, Jason Walker <jasonwalker262@gmail.com>
Subject: 4826 Chowen Ave S Variance Application

Good Morning Mr. Adair:

The Fulton Neighborhood Zoning Committee has reviewed your project goals for the double lot at 4826 Chowen Ave South. Based on your March 14, 2016 letter, the zoning committee has no objection to your project goals. You are welcome to forward this email to the city planner for your project so it can be entered as a Public Response. Good luck with your project!

Best,

Chris Strom
Chair, Fulton Zoning Committee