

Department of Community Planning and Economic Development – Planning Division
Variance and Minor Subdivision
BZZ-5662 & MS-225

Date: August 13, 2012

Applicant: Ryan Watts and Brandon Megal

Address of Property: 3901 Abbott Avenue South

Project Name: 3901 Abbott Avenue South Minor Subdivision

Contact Person and Phone: Ryan Watts, (612) 432-8798

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

Date Application Deemed Complete: July 16, 2012

End of 60-Day Decision Period: September 14, 2012

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

Existing Zoning: R1 Single-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 29

Legal Description: See survey.

Proposed Use: Parcel A (northerly parcel) will be 10,846 square feet and will remain vacant but would allow for the future construction of a single-family dwelling and Parcel B (southerly parcel) will be 10,848 square feet and is proposed to have a new-single-family dwelling.

Concurrent Review:

Variance to increase the maximum height from 2½ stories, not to exceed 30 feet, to 3 stories, approximately 33 feet 6 inches measured to the midpoint of the gable roof on a proposed single-family dwelling

Minor subdivision: that would create two lots at 3901 Abbott Avenue South

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(4) “Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure...” Chapter 598 Subdivisions.

Development Plan: Please see attached survey. The parcel is vacant and would allow for the construction of two new single-family dwellings on two separate parcels.

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Background: The proposed subdivision would create two parcels out of one parcel. The current parcel is approximately 166 feet by 130.65 feet (21,964 square feet). The parcel is vacant and existing city records do not show that there was any previous development on the property. The applicant is proposing to create two separate parcels to allow for the future construction of new single-family dwellings on each lot. Parcel A (northerly parcel) will be 10,846 square feet and will remain vacant but would allow for the future construction of a single-family dwelling and Parcel B (southerly parcel) will be 10,848 square feet and is proposed to have a new-single-family dwelling. If the variance and minor subdivision are approved, staff will review the proposed structure on Parcel B for compliance with the zoning code.

The subject property is one parcel that includes all of Lot 19 and 20 and the north 43 feet of Lot 18. The applicants are proposing to divide the existing parcel approximately in half. The new property line will not follow one of the existing platted lots and therefore requires approval of a minor subdivision.

Parcel B has a significant grade change from the public sidewalk and adjacent property to the south at 3917 Abbott Avenue South. The proposed location of the new single-family dwelling on the lot is approximately 5.8 feet lower than the public sidewalk and 8.3 feet lower than the adjacent property to the south. The applicants are proposing to backfill Parcel B and raise the grade approximately 6 feet at the front of the structure and step the grade down towards a surface storage basin to allow for positive drainage and stormwater management. There is an existing surface storage basin that connects to the City storm sewer that was permitted in 1965 to alleviate stormwater for the properties located to the east at 3900, 3906 and 3912 Zenith Avenue South and the subject property at 3901 Abbott Avenue South. According to the permit that was issued in 1965, the catch basin was to be located on the subject property. A survey of the property shows that the catch basin was actually installed at 3906 Zenith Avenue South. The applicants are proposing to relocate the catch basin to the permitted location and grant the City of Minneapolis a storm sewer easement across the rear of the property where the existing connection to the storm sewer exists.

The proposed single-family dwelling on Parcel B will have two stories plus a full basement. The maximum number of stories allowed in the R1 district is 2 ½ stories. In the zoning code, a story is defined as “That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or fourteen (14) feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor surface directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar or unused under floor space shall be considered a story.” As previously mentioned, the applicant is proposing to modify the grade and backfill the property to allow for level grade and positive drainage towards the rear of the property. The height of the structure is measured based on the adjacent natural grade that exists today. For more than 50 percent of the total perimeter, the finished first floor surface is more than 6 feet above the adjacent natural grade (elevation 860.9). Therefore the basement is considered a story and a variance is required to allow a 3-story single-family dwelling. Further, the height of the structure, based on the natural grade is approximately 33 feet 6 inches, which exceeds the maximum height in feet.

Compliance with Other R1 District Code Requirements

Requirement	Allowed	Proposed
Minimum Lot Area	6,000 square feet	10,848 square feet
Minimum Lot Width	60 feet ¹	83 feet
Maximum Building Height ²	30 feet	33 feet 6 inches
Maximum Lot Coverage	50%	18%
Maximum Impervious Surface	65%	27%
Maximum Floor Area Ratio	.5	.39
Minimum Front Yard	41 feet established setback for dwelling	41 feet
Minimum Interior Side Yard (North)	6 feet for dwelling	10.5 feet
Minimum Interior Side Yard (South)	6 feet for dwelling	20 feet
Minimum Rear Yard	6 feet for dwelling	40 feet

The future development of a single-family dwelling on either parcel will also 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.

Preliminary review indicates that the design with a slight modification to the proposed windows on the south elevation would receive 17 points for the following: providing a basement, Nichiha shake and 6 inch siding exterior, not less than 10% windows facing the side and rear lot lines, a roof pitch of at least 6/12, having an open front porch of at least 50 square feet and having at least one deciduous tree located in the front yard. If the applicant is approved for the required land use approvals for the variance and minor subdivision, they are required to submit an application of Administrative Site Plan Review for a new single-family dwelling.

¹ 598.240[2]a: requires an additional 10 feet of lot width, where no alley is present. The minimum lot width in the R1 District is 50 feet; however, no alley exists adjacent to the subject property.

² As defined in section 520.160 of the zoning code, height is the vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs.

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

Findings Required by the Minneapolis Zoning Code:

VARIANCE to increase the maximum height from 2 ½ stories, not to exceed 30 feet, to 3 stories, approximately 33 feet 6 inches measured to the midpoint of the gable roof on a proposed single-family dwelling

- 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 total perimeter of the proposed house footprint equals 199.5 feet. The finished floor surface directly above a basement that is more than 6 feet above grade, for more than 50 percent of the total perimeter is considered a story. Therefore the finished floor above the basement must be less than 6 feet above the adjacent grade for less than 99.75 feet to not be considered a story. The finished surface of the first floor based on the front elevation is more than 6 feet above the adjacent grade for the total perimeter. Further, the height in feet is measured to the natural grade and the proposed dwelling would be approximately 33 feet 6 inches in height. The height limits are measured from the proposed grade rather than natural grade; however, the existing grade changes 5.8 feet from the public sidewalk to the front of the proposed structure. The existing grade is approximately 8.3 feet lower than the adjacent property to the south. The most significant grade change occurs where the house is proposed to be located. These circumstances have not been created by the applicant

- 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.**

Building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Comprehensive plan policies call for single-family infill development to reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings. The subject site is located in a primarily single-family neighborhood. There is a mix of new and older dwellings. The newer residences tend to be larger in scale. With the modification in grade, the front of the structure will appear to be 1 ½ stories from Abbott Avenue South and 2 stories from the sides and rear of the lot. Based on the finished grade, the structure will be approximately 27 feet 6 inches tall at the front and interior sides and approximately 30 feet at the rear of the structure. The building would also comply with all minimum yard and maximum lot coverage regulations.

- 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 granting of the variance should have little effect on surrounding properties and will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Newer residences in the immediate area tend to be larger in scale. The proposed dwelling would be larger in scale than older homes in the immediate area, but it would not appear to be a 3-story building from the street.

Findings required by the Minneapolis Zoning Code for increasing the maximum height:

1. Access to light and air of surrounding properties.

The increase in height would likely have no effect on the access to light and air of surrounding properties. With the modification in grade, the front of the structure will appear to be 1 ½ stories from Abbott Avenue South and 2 stories from the sides and rear of the lot. Based on the finished grade, the structure will be approximately 27 feet 6 inches tall at the front and interior sides and approximately 30 feet at the rear of the structure. The building would also comply with all minimum yard and maximum lot coverage regulations.

2. Shadowing of residential properties, significant public spaces

Shadowing of the adjacent residential property to the south should not be more significant than a building that would be considered two stories by the zoning code. The proposed dwelling would be located 20 feet from the interior side lot line and the grade increases towards the property to the south. There are not any existing significant public spaces directly adjacent to the site. Staff is not aware of any existing solar energy systems that would be affected by shadowing.

3. The scale and character of surrounding uses.

The subject site is located in a primarily single-family neighborhood. The existing dwellings are 1 ½ to 2 ½ stories in height. The proposed dwelling will appear to be 1 ½ stories from Abbott Avenue South and 2 stories from the sides and rear of the lot. Staff believes that the proposed structure is within the scale and character of the surrounding area.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

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.**

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The proposed subdivision would create two parcels out of one parcel. The existing parcel is vacant. Parcel A is proposed to be 10,846 square feet and 83.10 feet wide and would allow for the future construction of a new single-family dwelling. Parcel B is proposed to be 10,848 square feet and 83.10 feet wide and is being reviewed for a new single-family dwelling.

Zoning code:

The applicant has requested a variance to increase the maximum height of the proposed single-family dwelling on Parcel B from 2 ½ stories, not to exceed 30 feet, to 3 stories, approximately 33 feet 6 inches measured to the midpoint of the gable roof.

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.

It is the staff opinion that the 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 effect on surrounding properties or change the character of the area. Although the subject parcel has not been developed previously, the new single-family dwelling will be consistent with the use and density of the area. Further, the proposed dwelling 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.**

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Parcel B has a significant grade change from the public sidewalk and adjacent property to the south at 3917 Abbott Avenue South. The proposed location of the new single-family dwelling on the lot is approximately 5.8 feet lower than the public sidewalk and 8.3 feet lower than the adjacent property to the south. The applicants are proposing to backfill Parcel B and raise the grade approximately 6 feet at the front of the structure and step the grade down towards a surface storage basin to allow for positive drainage and stormwater management. None of the other hazards exist on the subject property.

- 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.**

Staff believes that the proposed erosion control and grading plan will allow for the development of the two lots with minimum alteration from its natural state. The subject property does not have access to an alley. The applicants are proposing two new curb cuts and driveways that would access off-street parking areas for each dwelling. The proposed plan will require the removal of several trees on the property. The tree species are ash and elm, with a breast diameter height ranging from 6 inches to 36 inches.

- 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 grading and erosion control plan and a report prepared by a civil engineer with the analysis of the storm and surface runoff of the existing property and the proposed construction. The civil engineer has concluded that the storage for stormwater onsite will be greater after construction than current conditions. Public Works Water Resources and Sewers staff has reviewed the proposed project and have found that the engineering details show that flooding would be less likely in the future based on the proposed project. If the project is approved, Public Works will review the relocation of the catch basin and reconnections to the storm drain. In addition, the applicant is proposing to grant new utility and drainage easements for the catch basin, surface storage basin and pipeline connection to the City's existing sewer system.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the maximum height from 2 ½ stories, not to exceed 30 feet, to 3 stories, approximately 33 feet 6 inches measured to the midpoint of the gable roof on a proposed single-family dwelling located at 3901 Abbott Avenue South (Parcel B) in the R1 Single-Family District, subject to the following conditions:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by August 13, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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 that would create two lots at 3901 Abbott Avenue South, subject to the following condition of approval:

1. The applicant shall provide all necessary easements to the City of Minneapolis to allow for access to the catch basin, surface storage basin and pipe connecting to the City’s utility system.

Attachments:

- 1) Statement and findings from applicant.
- 2) Copy of letter sent to CM Hodges and Linden Hills Neighborhood Council
- 3) Correspondence from neighbors
- 4) Civil Engineer’s report
- 5) Zoning map
- 6) Hennepin County map
- 7) Survey/site plan
- 8) Floor plans
- 9) Building elevations
- 10) Photos