

**ITEM 2**  
6:08 p.m.

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| <b>CASE:</b>      | 10949A-14  |
| <b>APPLICANT:</b> | Dayton Nelson  |
| <b>LOCATION:</b>  | 10476-10478 Colorado Circle  |
| <b>REQUEST:</b>   | Variance to reduce the required lot size from 7,500 square feet to 5,678 square feet for the easterly lot of a zero lot line two-family dwelling |

**SPEAKING FOR THE APPLICANT:**

Dayton Nelson, applicant

**PUBLIC HEARING DISCUSSION:**

Fields identified the location and surrounding land uses. He stated the property is located within a development on Colorado Circle that consists of eight two-family dwellings. The surrounding development, to the north and east, has over a dozen two-family dwellings along 105<sup>th</sup> and 106<sup>th</sup> Street. He noted five of the eight neighboring two-family dwellings have been subdivided with a zero lot line; however variances were not required in these cases due to the larger sizes of the lots.

Fields stated the applicant requests a variance to reduce the minimum lot size requirement from 7,500 to 5,678 square feet for the easterly lot of a two-family dwelling. He explained the applicant would like to subdivide the existing 15,712 square foot lot into two lots, a 10,034 square foot easterly lot and a 5,678 square foot westerly lot, with a zero lot line between the dwelling units. The applicant believes they have a practical difficulty due to the lot configuration on a cul-de-sac; the property is not able to be easily subdivided equally or near equal in area as reasonably possible, as required by the City Code.

Fields stated a zero lot line subdivision is proposed that runs through the existing structure at the common wall. Typically the line is straight through the lot and does not angle. In this case, if the property is subdivided at the common wall between the units, it creates a lot that is smaller than allowed by City Code. Staff believes the proposed subdivision is a reasonable request and meets the intent of the ordinance. Staff believes the property owner does have a practical difficulty due to the unique lot configuration on the cul-de-sac. The proposed 5,678 square foot easterly lot would have an impervious surface coverage (ISC) of 2,055 square feet or 36 percent. The Code limits ISC to 35 percent for a two family dwelling which may be increased to 45 percent with City Engineer approved plans. The City Engineer has agreed that granting a 10 foot wide drainage easement across the rear of the easterly lot would provide adequate area to accommodate runoff. Fields stated if the variance is approved by the City Council, the applicant would submit an application for a preliminary and final plat; a future plat application would be considered a Type I plat, which is an administrative review.

Fields stated staff recommends approval of the variance to reduce the required lot size from 7,500 square feet to 5,678 square feet for the easterly lot to allow a future subdivision of a zero lot line two-family dwelling subject to the conditions listed in the staff report. He stated he is available for questions from the Commission and the applicant is also present.

Batterson asked staff if the structure were to burn down or be destroyed, could two single family homes be built on the two lots. Fields stated no, the lots do not meet the requirements for minimum lot size for single-family homes (11,000 square feet). Fields stated it could be reconstructed exactly as it is today as a two-family home given the appropriate impervious surface coverage for the lots.

The public hearing was closed via a motion.

Batterson stated the practical difficulty was not created by the applicant and it is a case where creating two separate lots for the two-family homes creates flexibility and perhaps more home ownership in the area. He stated he is in favor of recommending approval of this variance request.

Spiess stated this item will be heard at the December 1, 2014 City Council meeting.

**ACTIONS OF THE COMMISSION:**

**M/Fischer, S/Bennett:** To close the public hearing. Motion carried 5-0.

**M/Fischer, S/Willette:** Having been able to make the required findings in Case 10949A-14, I move to recommend City Council approval of a variance to reduce the required lot size from 7,500 square feet to 5,678 square feet for the easterly lot to allow a future subdivision of a zero lot line two-family dwelling at 10476-10478 Colorado Circle subject to the conditions of approval listed in the staff report. Motion carried 5-0.

**CONDITIONS OF APPROVAL RECOMMENDED BY THE COMMISSION:**

1. The variance is limited to the subdivision as shown in Case 10949A-14;
2. A drainage easement across the rear 10 feet of Parcel 1 be provided as approved by the City Engineer; and
3. The property must be platted per Chapter 22 of the City Code and the plat must be filed with Hennepin County.