



PLANNING COMMISSION STAFF REPORT

Variance for 4309 Colorado Avenue North

FROM: Dan Olson, City Planner

TO: Planning Commission (for July 10 Meeting)

DATE: June 30, 2023

RE: PUBLIC HEARING - Variance request from Daniel Pryde to the lot width and residential density requirements to allow a two-family dwelling at 4309 Colorado Avenue North (Application Number 2023-05)

A. BACKGROUND

Daniel Pryde, who has recently purchased the building at 4309 Colorado Avenue North, has applied for variances to reduce the minimum lot width and increase density requirements to allow an existing large single-family home to be converted back into a two-family dwelling, which was its previous use. The property is zoned Low Density Residential (R-1).

Notice of the July 10 public hearing was published in the Sun Post on June 29 and mailed to property owners, renters and commercial tenants within 500 feet (see attachment A), and posted to all neighborhoods on Nextdoor. A sign was also posted on the property.

Attachments:

- A. Site location map showing public hearing notification area.
- B. Existing zoning map.
- C. Project narrative submitted by applicant.
- D. Current property photos.
- E. Property survey showing existing lot width
- F. Original floor plans (two-family dwelling)

B. VARIANCE REQUEST

Property history

The existing residential building at 4309 Colorado, which is located on a 10,003 sq. ft. lot, was constructed in 1984 as a two-family dwelling which was allowed by the city's zoning regulations because the property was zoned R-3. In 1991 the common walls between the two units were removed making the building a single-family home so that the residence could be used as a large group home. When the city subsequently rezoned the property to R-1, the property lost its ability to be used for a two-family dwelling.

Proposed variances

The applicant is proposing to restore the interior walls to make two separate units. In order to convert the building back to a two-family dwelling, the applicant is requesting the following two variances:

- **Lot width.** Reduce minimum lot width for a two-family dwelling in the R-1 district from 80' to 76'
- **Residential density.** Increase the maximum density for the property from six to seven units per gross acre, according to the following calculation of gross density:

10,003 sq. ft. Size of the lot as shown on the property survey dated June 7, 2023.

+ 2,292 sq. ft. Colorado Avenue right-of-way to the centerline

= 12,295 sq. ft. Total area included in the density calculation (gross density)

= 6,148 sq. ft. Gross area per unit (12,295 / 2 units)

There are 43,560 sq. ft. in one acre

43,560 / 6,148 = 7.08 units per gross acre which is more than 6

The applicant is not proposing to enlarge the building. Minimum parking requirements are met since there are existing two-car garages for each proposed unit on the property.

If the variance is approved, the building will be addressed as 4303 and 4309 Colorado Ave N., which is the same way it was addressed prior to 1991.

C. RECOMMENDED FINDINGS

The following are the relevant approval criteria for these variances as outlined in city code section 510.33, followed by staff response:

- a) Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the terms of the variances are consistent with the comprehensive plan.

Response: The intent of the city's zoning ordinance is to provide for regulations to promote orderly development that allows for adequate access to light, air, and convenient access to property. The approval of a variance to reduce the lot width and to increase the residential density from 6 to 7 units per gross acre will not impede access to adequate light or air for adjacent properties or for the existing building.

If the variances are approved, the two-family dwelling will be in conformance to the Comprehensive Plan's Low Density Residential future land use designation. This category includes single and two-family dwellings.

- b) Variances shall only be permitted when the City Council finds that strict enforcement of specific provisions of this section would create practical difficulties due to circumstances unique to a particular property under consideration. Practical difficulties, as used in connection with the granting of a variance, means that the property owner:

- 1) proposes to use the property in a reasonable manner not permitted by an official control; and
- 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- 3) the variance, if granted, will not alter the essential character of the locality.

Response:

The use of the subject property for a two-family dwelling is a reasonable use given its location between another two-family dwelling and a grocery store.

The approval of the variance means that the city recognizes the reality that a two-family dwelling was allowed in 1984 and that this building is unlikely to be demolished. Since the footprint of the building is not proposed to change, and the required number of parking spaces are provided for both units, the essential character of the surrounding area will not change if the variance is approved.

The existing lot at 4309 Colorado meets the minimum lot area and depth for a two-family dwelling, and the existing building location far exceeds the

required side yard setbacks, allowing for adequate open space between neighboring properties.

c) Economic considerations alone do not constitute practical difficulties.

Response: The applicant has expressed that the reason for the variance is to convert the building back to its original design as a two-family dwelling. Its current use as a six-bedroom house is contrary to the way it was originally built and laid out. Therefore economic considerations alone are not the sole reason for requesting this variance.

C. REQUESTED ACTION

The Planning Commission is asked to make a recommendation to the City Council to either deny or approve the variance application from Daniel Pryde at 4309 Colorado Avenue North to modify the requirements for minimum lot width and residential density as follows:

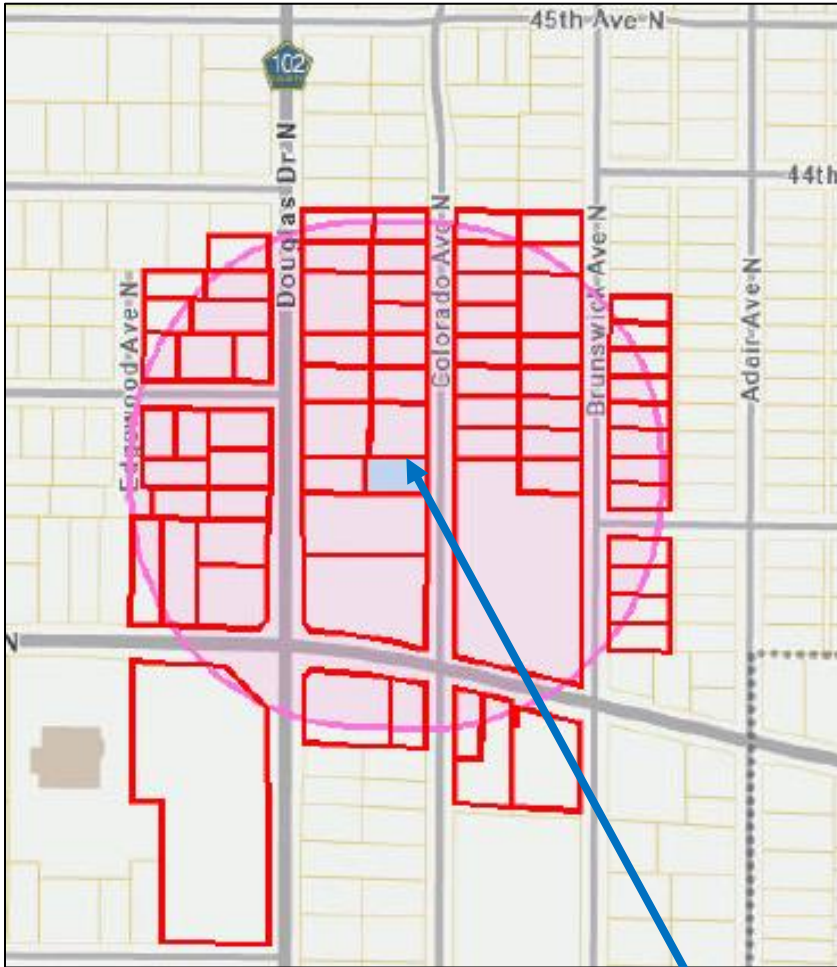
- Lot width: Reduce lot width from 80' to 76'
- Residential density: Increase the residential density from 6 to 7 units per gross acre.

This recommendation should include findings of fact either for or against the proposal. The Commission may reference the findings for approval in Section B, above. Staff recommends approval of the variance request with the conditions below:

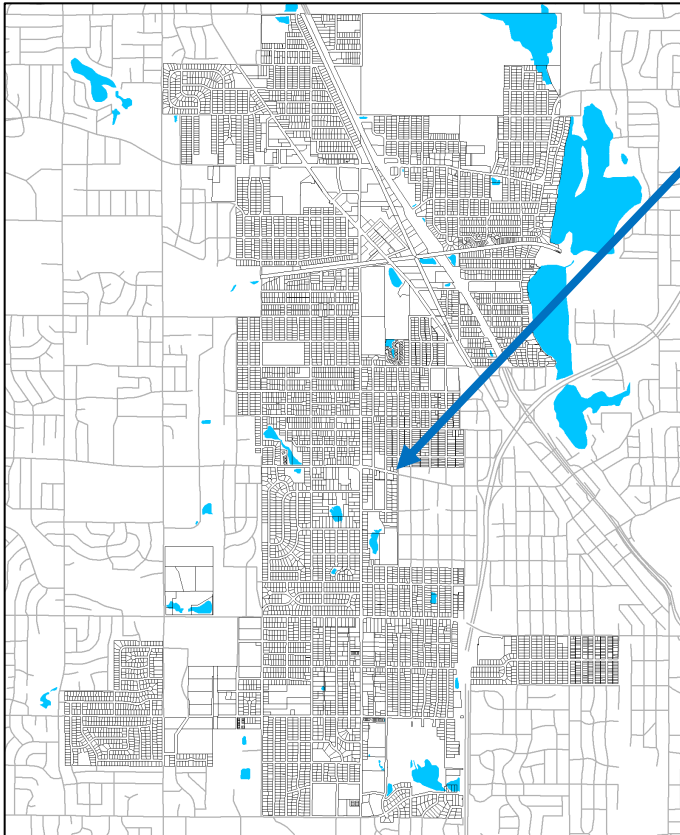
1. Compliance. The variances are subject to the applicable requirements of the Crystal City Code. The applicant is required to comply with all applicable federal, state, and local laws, rules, regulations and ordinances and is required to obtain such other permits and permissions as may be required.
2. No Waiver. Failure by the city to take action with respect to any violation of any condition, covenant or term of the variance shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.
3. Binding Effect. This variance, and the conditions placed on its approval, are binding on the applicant, the applicant's successors and assigns, shall run with the property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership. The obligations of the applicant under this approval shall also be the obligations of the current and any subsequent owners of the property.
4. Acceptance of Conditions. Utilization of the property for any of the uses allowed by this variance shall automatically be deemed acceptance of, and agreement to, its terms and conditions without qualification, reservation, or exception.

City Council action is anticipated on July 18, 2023.

Site Location and Public Hearing Notice Mailing Map



Attachment A



4309 Colorado Ave N



CITY of CRYSTAL

**4141 Douglas Dr. N.
Crystal MN 55422**

Zoning Map

Attachment B

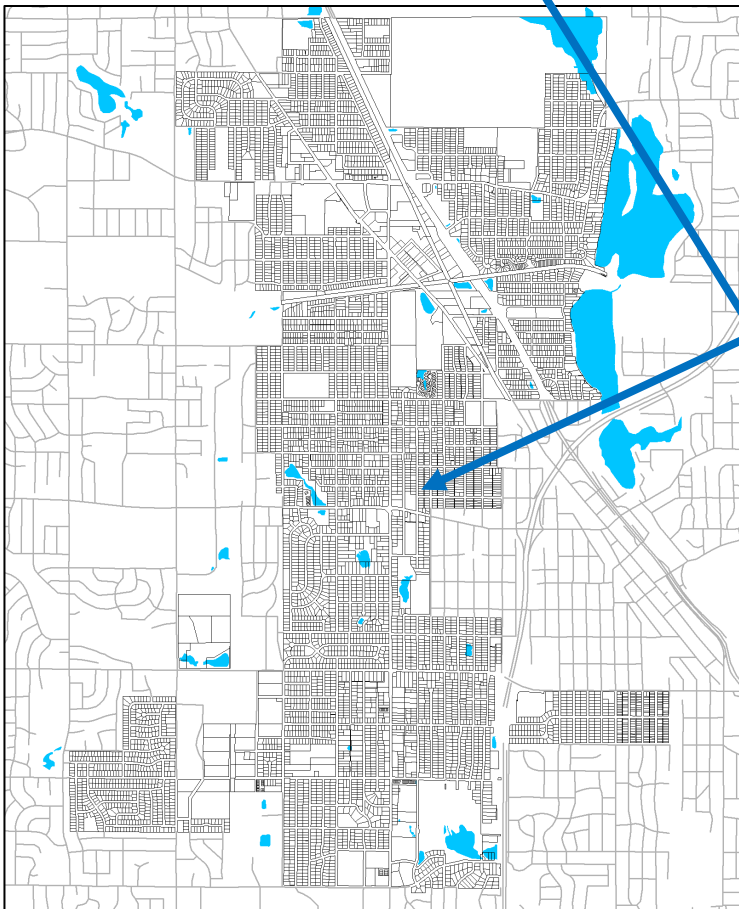


BASE ZONING DISTRICTS:

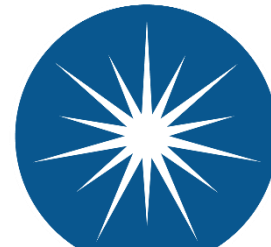
- R1 - LOW DENSITY RESIDENTIAL
- R2 - MEDIUM DENSITY RESIDENTIAL
- R3 - HIGH DENSITY RESIDENTIAL
- C - COMMERCIAL
- TC - TOWN CENTER
- I - INDUSTRIAL
- AP - AIRPORT DISTRICT

OVERLAY DISTRICTS:

- Planned Development Districts (PD)
- Town Center Planned Development (TC-PD)
- Properties Rezoned to TC-PD
- Floodplain Overlay District



4309 Colorado Ave N



CITY of CRYSTAL

**4141 Douglas Dr. N.
Crystal MN 55422**

City of Crystal

Variance Application Checklist

1. Variance Narrative
 - A) Low density residential (R-1)
 - B) Single family residential
 - C) Two family dwelling
 - D) 520.03 sub.2a (lot width)
 - E) The variance would not have a negative impact on other properties.
 - F) Within the low density area, two unit dwellings are allowed
 - G) The building was originally built as a duplex with each side being identical to the other.
 - H) To anyone viewing the property it is a duplex. The properties to each side of 4309 is a duplex on one side and a grocery store on the other side.



**Front
(East side) -
Facing
Colorado
Avenue N**



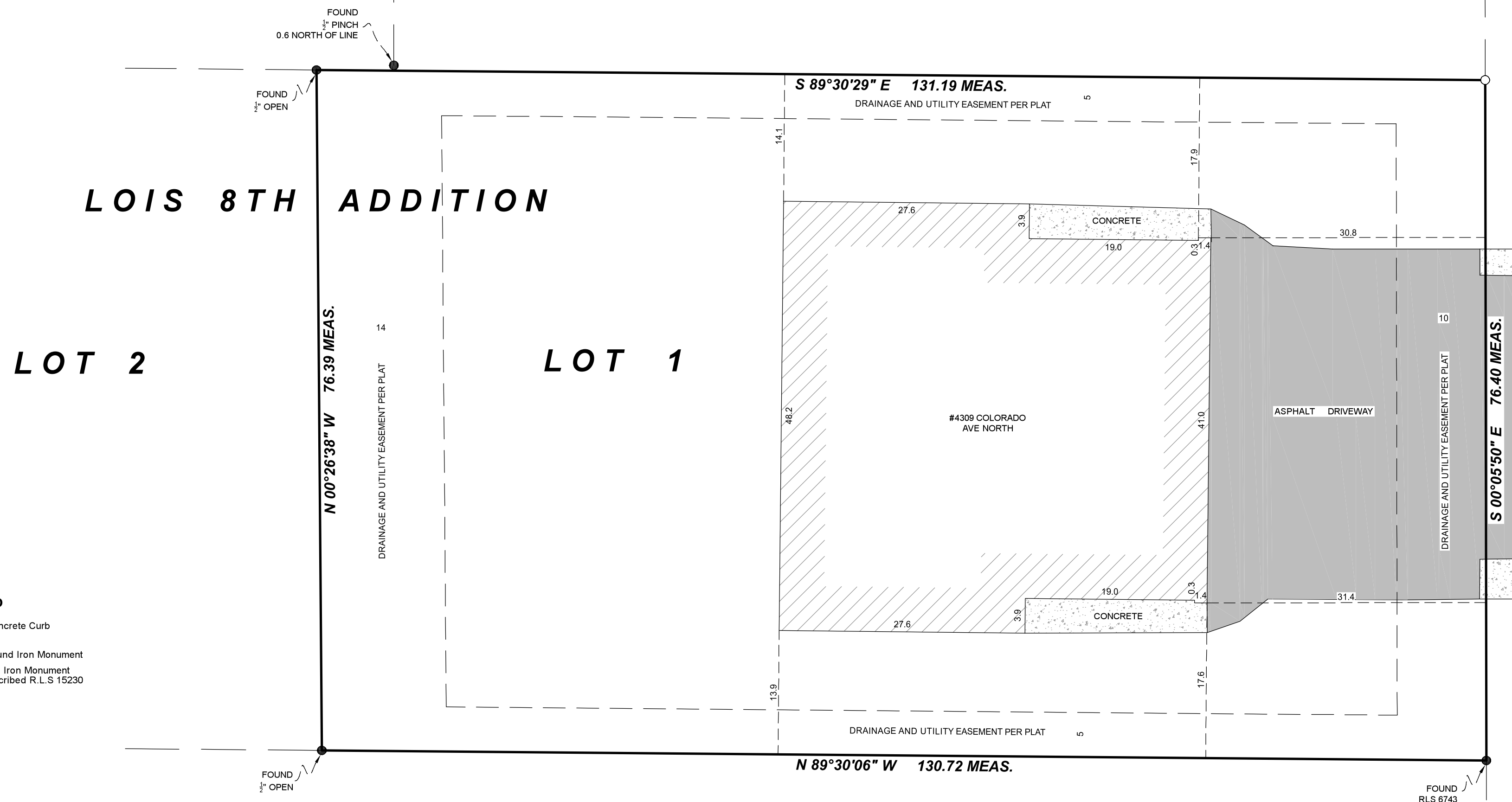
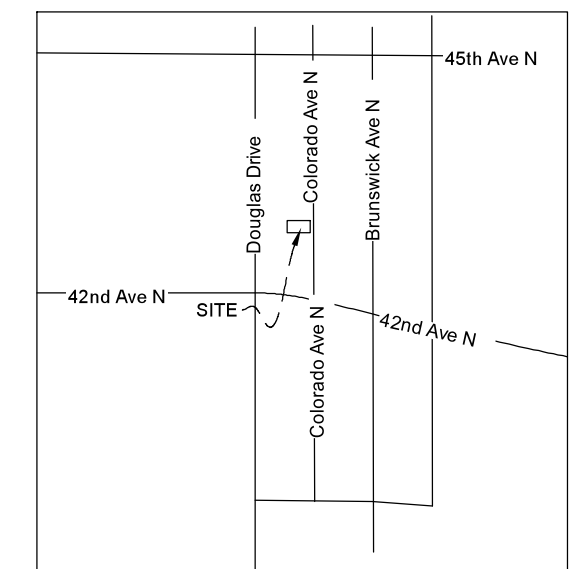
**Rear
(West side)**

CERTIFICATE OF SURVEY FOR: DAN PRYDE

Attachment E

A U D I T O R S S U B . N O . 1 4 6

VICINITY MAP



LEGEND

- Concrete Curb
- Found Iron Monument
- Set Iron Monument Inscribed R.L.S 15230

LOT AREA CALCULATION:

Lot Area = 10,003 SF

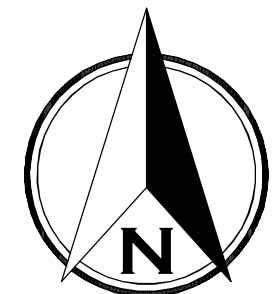
ZONING:

Primary: R-1 Low Density Residential

GENERAL NOTES:

- Existing building dimensions are measured to siding and not building foundation.
- No title commitment was provided and no research was performed for any easements not shown on this survey.
- Location of utilities shown are from observed evidence in the field and/or plans furnished by others and are considered approximate. Gopher State One Call or a private utility locator should be contacted to locate utilities on site before excavation.

A U D I T O R S S U B . N O . 1 4 6



JOB NO. 183-23	SCALE 1" = 10'	SITE ADDRESS 4309 Colorado Ave N Crystal, MN
BOOK/PAGE NA	DRAWN GUS	PROPERTY DESCRIPTION Lot 2, Block 1, Lois 8th Addition, Hennepin County, Minnesota
SHEET 1 of 1 18x24	REFERENCE	

REVISIONS	
DATE	REMARKS

I hereby certify that this survey, plan, or report 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.

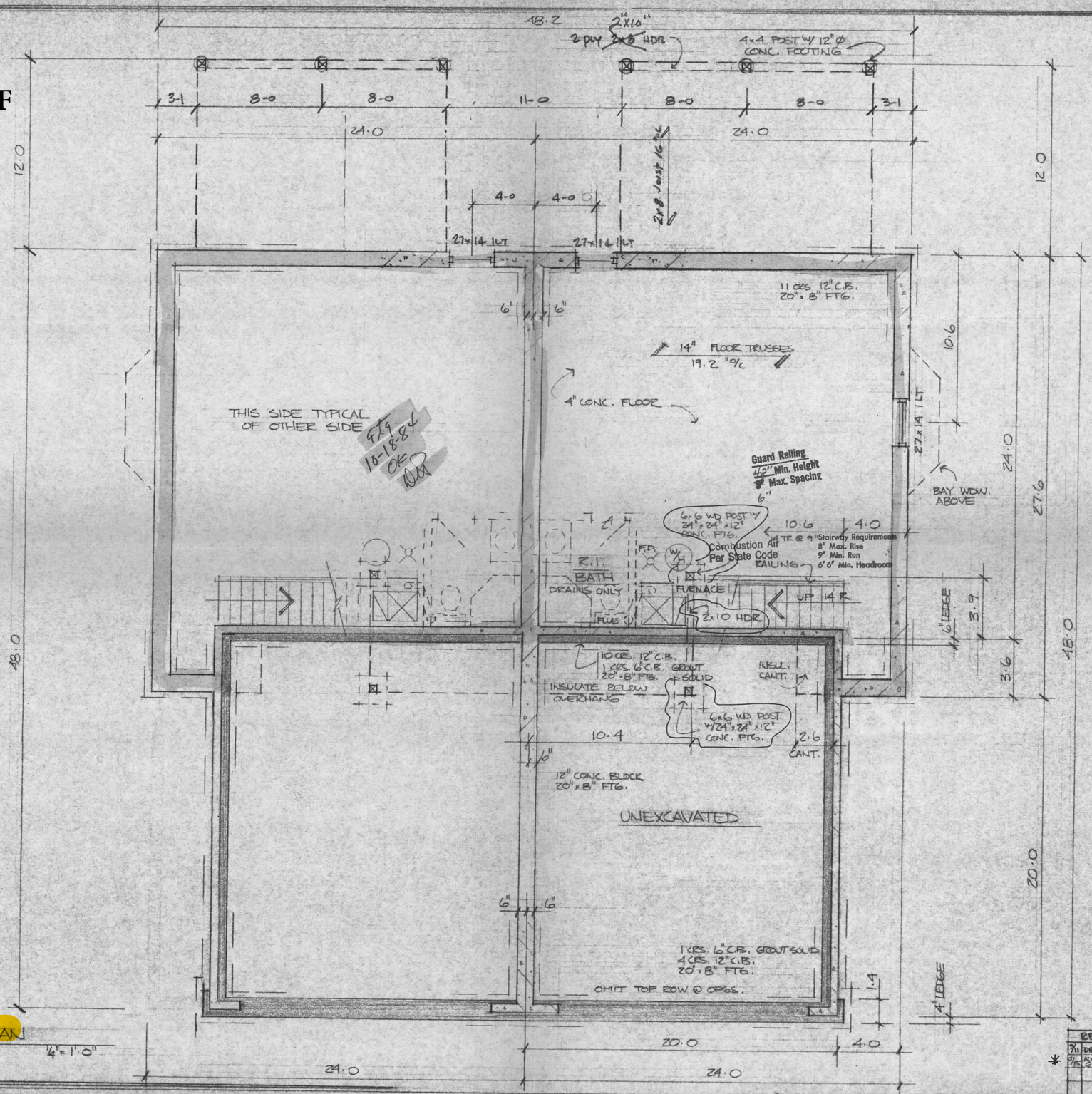
W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown DATED: 06-07-2023

WOODROW A. BROWN, R.L.S. MN REG 15230

W. BROWN LAND SURVEYING, INC.
8030 OLD CEDAR AVENUE SO., SUITE 228
BLOOMINGTON, MN 55425
PH: (952) 854-4055
WBROWNLANDSURVEYING.COM
EMAIL: INFO@WBROWNLANDSURVEYING.COM

Attachment F



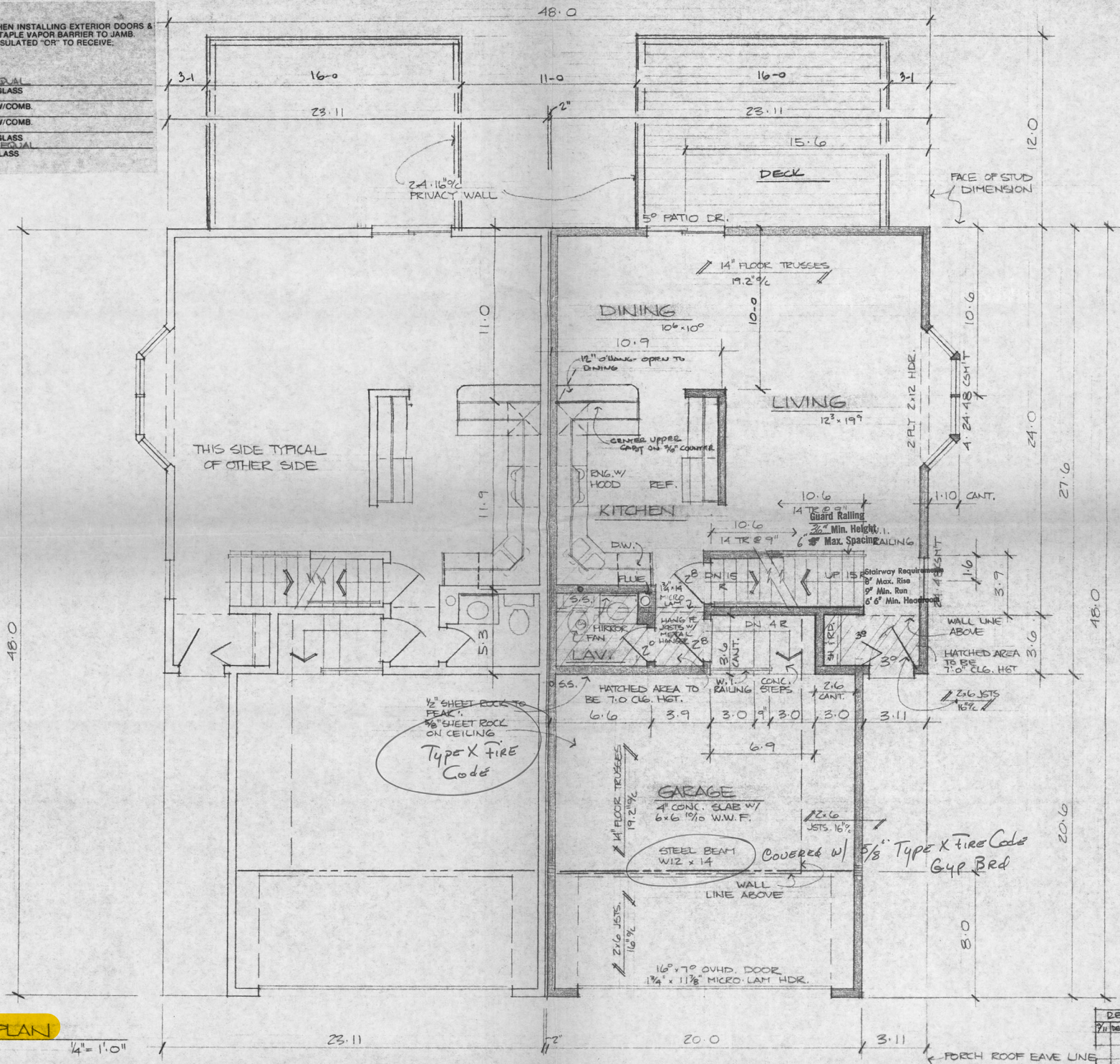
FOUNDATION PLAN

1/4" = 1'-0"

REVISIONS		PLAN NO.
1	As per 8/14/14	81-08-14
2	As per 8/14/14	
3	As per 8/14/14	
4	As per 8/14/14	
5	As per 8/14/14	
6	As per 8/14/14	

SHEET OF 6 3

- ENERGY NOTES:
1. CAULK BACKSIDE OF BRICKMOULD WHEN INSTALLING EXTERIOR DOORS & WINDOWS. INSULATE AIRSPACE AND STAPLE VAPOR BARRIER TO JAMB.
 2. EXTERIOR DOORS TO BE APPROVED INSULATED "DR" TO RECEIVE COMBINATION DOOR BRONZE WEATHERSTRIP OAK THRESHOLD W/W/VNL
 3. WINDOWS: FINECRAFT OR EQUAL
 CASEMENT MINIMUM OF INSULATED GLASS
 SLIDER MINIMUM OF SINGLE GL. W/COMB.
 DOUBLE HUNG MINIMUM OF SINGLE GL. W/COMB.
 AWNING MINIMUM OF INSULATED GLASS
 4. PATIO DOOR: FINECRAFT OR EQUAL
 MINIMUM OF INSULATED GLASS

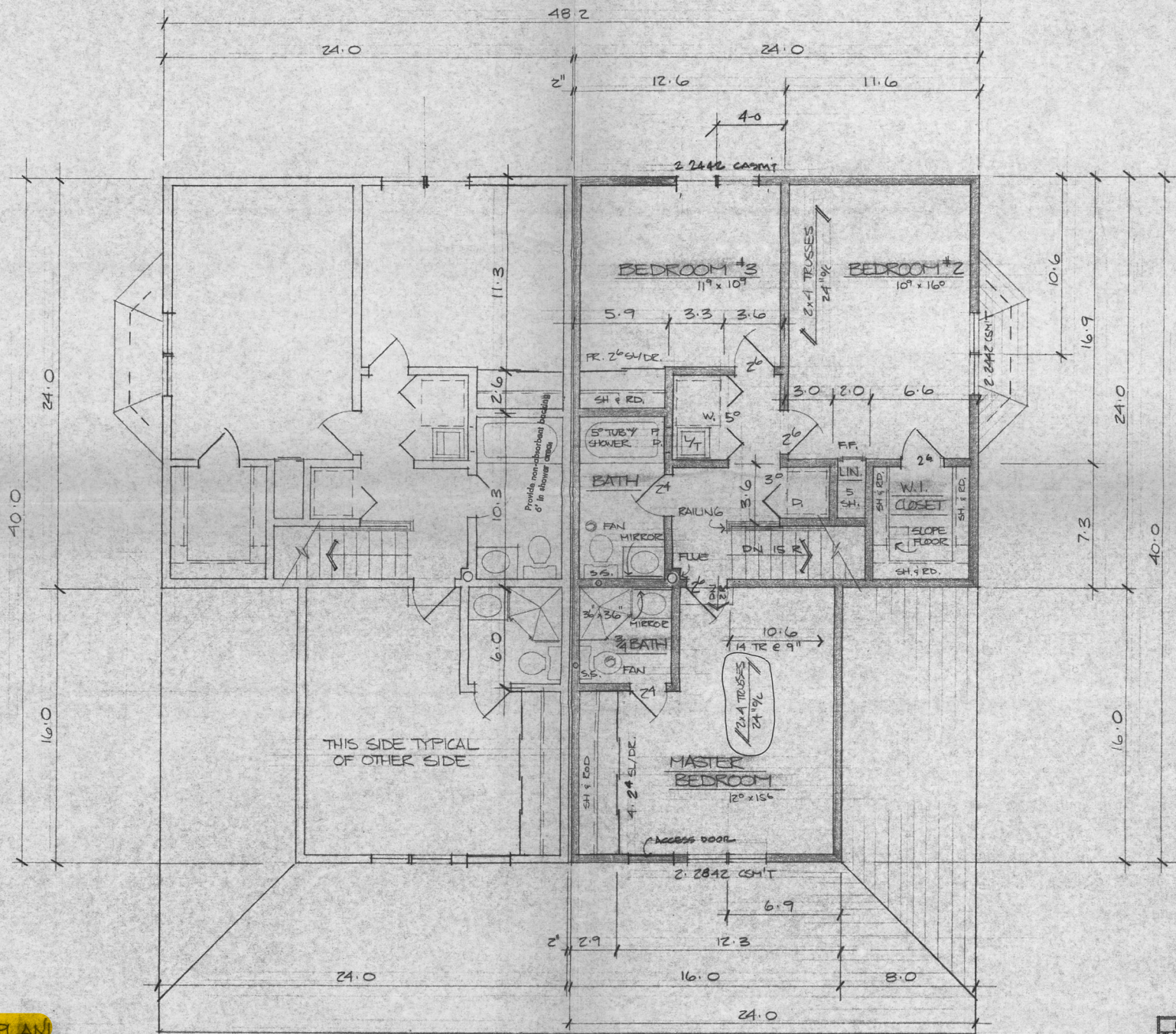


FIRST FLOOR PLAN

1/4" = 1'-0"

REVISIONS	650 □
PLAN NO.	84 08 14
SHEET	4
OF	6

PORCH ROOF EAVE LINE



SECOND FLOOR PLAN

1/4" = 1'-0"

E332 14	
REVISIONS	PLAN NO.
1/1 W.D., CLOS. DES. JAG	24 08 14
2/25 R.P.T. 10/19/14	SHEET
	OF 6
	5