

NARROW LOTS



Q&A From Open Forum

Jan 16, 2020

DESIGN

Q1. Could the zoning code help provide or encourage a greater variety of home styles on narrow lots?

Q2. Can the zoning code be modified to only allow certain housing types or styles?

Q3. How can redevelopment match the existing character of the neighborhoods in which they occur?

ANSWER FOR QUESTIONS 1–3

Zoning regulations typically address quantifiable measures such as height, setbacks, percentage of lot coverage, etc. It is much harder to regulate home aesthetics or styles without an agreed upon set of design criteria that can be applied and evaluated by an independent body. Developing regulations that take into account the measurable features of adjacent properties or structures is possible, such as setting the maximum height allowed to be within a certain percentage of the average height of adjacent homes.

Q4. What are the current restriction on height for these lots?

ANSWER

The height of any home in Golden Valley is limited to 28 feet from the average grade at the foundation along all sides of the property with street frontage, to the midpoint of the highest peaked roof. This means that the absolute height of the structure could extend above 28 feet.

Q5. Could the City restrict the total area building square footage or lot coverage?

ANSWER

Yes. There are currently limits on the total footprint of structures on a lot (including detached structures) and the amount of the lot that is covered by impervious surfaces (including driveways, patios, etc). Some cities also have regulations that limit the total amount of building square footage, including upper floors, not just the footprint.

Q6. What articulation requirements currently exist, and could they also be applied to the rear of homes, not just the side?

ANSWER

Current regulations require articulation for any side wall over 32 feet in length. This means the wall, or a portion of it, must shift in or out two feet and extend for a length of at least eight feet. This is meant to break up long expanses of flat walls and provide more visual interest. This type of regulation could also be applied to rear walls.

CITY PROCEDURE

Q1. What is the role of variances in relation to zoning standards for narrow lots? Do variances take into account the impact on surrounding properties?

ANSWER

Zoning standards are the rules that property owners must follow when developing their property. A variance is a request to deviate from a zoning standard. The standards that cities must follow when considering variances are set out in State statute. A variance may only be granted if enforcing the zoning regulations as written would create a “practical difficulty” for the property owner. There is a three part test for practical difficulties: (1) the use of the property must be reasonable, (2) the problem is due to the circumstances unique to the property not caused by the landowner (usually a physical characteristic), and (3) the variance must not alter the essential character of the locality. Variances must also be in harmony with the general purposes and intent of the zoning code and be consistent with the Comprehensive Plan. The statutory standards were designed by the legislature to allow for some discretion on the part of the Board of Zoning Appeals.

Q2. Can narrow lots be built on or developed prior to any amendments to the zoning code?

ANSWER

Any property for which there is a permit application submitted when changes to the zoning regulations become effective is allowed to continue under the “old” zoning language. Once a zoning amendment has been adopted, any new permit applications must follow the updated regulations.

Q3. How are lot dimensions determined for code enforcement purposes?

ANSWER

Lot dimensions are measured and recorded on a property survey conducted and signed by a licensed land surveyor. Hennepin County lists fairly accurate lot dimensions on their web site, but these may vary slightly from the true measurements taken in the field.

Q4. How will changing the zoning standards impact current property owners who may have planned improvements or to split and sell their lots in the future? What grandfathered protections, if any, exist for these residents?

ANSWER

After a new zoning regulation is adopted, any existing structures are allowed to continue as legally nonconforming structures, meaning that while they don’t comply with the current zoning rules they are legal and are not required to be modified. Nonconformity laws allow these structures to be continued through repair, replacement, restoration, maintenance, or improvement, but not through expansion. Any expansion of a nonconforming structure would require a variance.

Q5. When lots are redeveloped, does the City’s site plan review process take into account impacts on neighboring properties? What assistance does it offer?

ANSWER

If a property is redeveloped (via a tear down and rebuild, for example), site plan review looks at the conformance of the proposed structure and grading with the City requirements. Unless specifically addressed elsewhere in the code, site plan review does not attempt to anticipate impacts on neighboring properties. That said, there are some areas that consider impacts on neighboring properties. For example, under City Code § 107, property owners building new structures are required to obtain a stormwater management permit and follow all of the requirements of that chapter. Staff reviews preliminary information relating to those requirements at the site plan review stage to ensure the ultimate plan will comply with the City’s stormwater management requirements.

Q6. Could a property owner replat their combined narrow lots into one standard-conforming lot? Could this be incentivized by the City?

ANSWER

Yes, a property consisting of two platted narrow lots could be replatted into one larger lot. There are expenses associated with this process. If desired, the City Council could choose to create incentives for this action, such as reducing or waiving fees.

Q7. Could the City create an architectural review board to provide additional review for new narrow lot construction?

ANSWER

As mentioned above, architectural review boards are only effective if there are an agreed upon set of design guidelines that are clear and easily applied without needing to resort to subjective opinions.

Q8. What were the historical rules and regulations in place when the lots were platted?

ANSWER

The first zoning code in the City's archives is from 1938. It set the minimum width for any newly platted lot at 75 feet in width and 10,000 square feet in area. It also prevented the setback on the secondary front yard on a corner lot from reducing the building envelope to less than 32 feet wide. Any parts of the City platted before 1938 were not held to these standards.

In 1955, the new zoning code increased these requirements to 100 feet of width and 12,500 square feet in area. For corner lots, the secondary front yard setback was prevented from reducing the building envelope to less than 20 feet wide.

In 1988, an update to the zoning code increased the minimum building envelope for corner lots to 22 feet wide.

In 2004, the minimum width of newly platted lots was reduced to 80 feet and the minimum area was reduced to 10,000 square feet. At the same time, the provision that maintained a building envelope of 22 feet wide was struck from the code.

Q9. Has the City considered looking at neighborhood-wide replatting options? (Golden Valley Strat. Priorities 2019)

ANSWER

This was not one of the Council priorities for 2019, so no there has been no investigation of this idea.

Q10. Is there a way to incentivize private renovation of older homes versus full tear-down and redevelopment?

ANSWER

The City Council could choose to fund loan programs or subsidize the costs of home renovations for older homes in an effort to discourage tear-downs.

ENVIRONMENTAL

Q1. How are trees and natural features protected/preserved in cases of construction or redevelopment on narrow lots?

ANSWER

For any new construction project, a Tree and Landscape Permit is required. Applicants must provide a signed tree survey that catalogs the existing trees on the property. This information is verified by the City's Forestry staff. Depending on the type and scale of development, a certain percentage of the existing trees are allowed to be removed without mitigation. Beyond that, tree replacement is required based on a formula that takes into account the size and species of the trees being removed.

Trees on the lot that will remain are required to be protected during the construction process.

Q2. What are the existing stormwater management policies in place for narrow lots?

ANSWER

Stormwater management for all lots involves reviewing the grading plan to ensure that there are not excessively steep slopes that could cause erosion or slope instabilities, and that water is not being directed onto neighboring properties. Resolving these issues might require the construction of swales or retaining walls. Stormwater management is addressed in Chapter 107 of the City Code.

Q3. What effect do height and the building envelope regulations have on sun access for neighboring properties, and is sun access being addressed by the code in other ways?

ANSWER

Currently, sun access is only addressed indirectly through the limits on height and the required setbacks (creating the allowable building envelope). Minnesota statute does protect the right to create a solar easement for adequate exposure for a solar energy system. (Minn. Stat. § 500.30)

Q4. How do current zoning regulations account for slopes and changes in grade?

ANSWER

Zoning regulations limit the increase in average grade for a new home to one foot over the existing grade (either a vacant lot or where an older home might stand today). Stormwater regulations, outside of the zoning code, address acceptable slopes and drainage patterns (see Question 2 above).

Q5. What options exist for preserving large yard and open spaces on narrow lots, if any?

ANSWER

The best way to preserve large yards and open spaces is to increase the size of the minimum yard setbacks and/or reduce the amount of the lot that is allowed to be covered by structures.

MARKET/ECONOMIC

Q1. Are developers/builders financially responsible for spillover impacts and damages on public or private property?

ANSWER

Whether there is any private liability related to development is a private matter and depends on the particular facts of each situation. The City is not typically involved in disputes between private property owners.

Q2. Is there a way for the City to discourage speculative development or overbuilt development?

ANSWER

Overbuilt development is a very subjective term. What could be seen as overbuilt by one person could be construed as luxury or higher end housing by another person. In terms of homes that are built to the maximum allowance of the zoning and building codes, the City has the ability to make adjustments to reduce the size or massing of what could be constructed “by right.”

With speculative development, the City does not proactively monitor changes in ownership of properties and to also determine when properties are being used actively as homes vs. as flipped commodities or assets. Generally, the City is not involved in the market or real estate considerations for privately held property. Furthermore, even if the City knew about speculative sales in advance, there is no mechanism that would allow the City to block the sale of private property or otherwise regulate to whom private owners are allowed to sell their property.

Q3. Is there a way for the zoning code to encourage middle-market homes, i.e. homes that aren’t “starter” homes but also aren’t “McMansions”?

ANSWER

Zoning requirements can be structured in such a way as to limit the size and massing of homes. However, these regulations apply to all properties of a similar zoning designation across the entire city. Scaling requirements around setbacks, height, etc, based on lot width or area is one strategy to deal with this issue. The current zoning code does adjust to the width of a lot with respect to amount of side setback required.

Q4. How might tax parcel divisions impact surrounding property values or property taxes? Would property owners be compensated for a loss in property value?

ANSWER

The best way to measure impacts on surrounding property values is to look at the sale prices of adjacent homes. To date, the Hennepin County Assessor’s office indicates there has not been a negative impact shown in the market as a result of development on narrow lots. Values of homes within a certain radius of new home construction may very well increase as older homes are replaced, which could result in higher property taxes for nearby properties. Property values often fluctuate in response to myriad private and regulatory factors. There is no mechanism to compensate property owners if the value of their property decreases.



Physical Development Department-Planning | 7800 Golden Valley Road Golden Valley, MN 55427
763-593-8095 | jjzimmerman@goldenvalleymn.gov | mcampbell@goldenvalleymn.gov
www.goldenvalleymn.gov/planning/housing/narrow.php

OTHER

Q1. How many narrow lots have alleys that could be used for parking and off-street access?

ANSWER

There are three and a half blocks – each with roughly 30 platted narrow lots (40 feet wide) – in the Meadow/Woodstock area that have alleys. There are about 5 and a half blocks – each with roughly 20 platted narrow lots (60 feet wide) in the neighborhood between Highway 169 and the General Mills Research Nature Area. There are a small number of homes on 60 foot wide lots in the far northeast corner of the City that also have platted alleys. While alley right-of-way might exist in these locations, often there are no alleys constructed and the yards of adjacent homes encroach across property lines.

Q2. What are other cities doing in response to issues surrounding narrow lots and tax parcel division?

ANSWER

Many “typical” Minneapolis lots are 50 feet wide and are not considered narrow in comparison to those throughout the rest of the city. Other first ring suburbs such as St Louis Park and Robbinsdale have numerous blocks that contain lots that were platted at widths of 50 or 60 feet. The setbacks on those lots, as documented in staff reports to the Planning Commission, are often less than what Golden Valley requires. Most cities do not specifically address tax parcel division in their codes. Some cities, including Golden Valley, require certain standards be met before a tax parcel division can be approved. Note that simply requiring approval for a tax parcel division does not change the fact that the platted lots remain legal buildable lots.

Q3. 3. What is the relationship between the historic lot dimensions and house dimensions from that period?

ANSWER

There is too much variation in lots to make a blanket statement. Topography plays a large role in determining the housing style appropriate for a given property. However, in general, data has shown that the average square footage of single-family homes has increased significantly over the last 100 years. One source indicates that in 1920, an average US home was 1,326 square feet and had 4.3 persons/household. By 2010, the average size had almost doubled to 2,430 square feet while only housing 2.6 persons. Data from the U.S. Census Bureau shows that of the 840,000 single-family homes completed in 2018, 84,000 has two bedrooms or less while 376,000 had four bedrooms or more.

In Golden Valley, a very brief windshield survey suggests many homes built on narrow lots (40-60 feet wide) in the 50s and 60s were one-story ramblers or Cape Cods. In the 70s and 80s, split level and two-story homes became more common. Most new homes today have two stories.



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