



CPED STAFF REPORT
 Prepared for the Board of Adjustment

BOA Agenda Item #1
 October 23, 2014
 BZZ-6777

LAND USE APPLICATION SUMMARY

Property Location: 3940 Thomas Avenue S
Project Name: Storlie Lot Split, Addition and New Construction
Prepared By: [Chris Vrchota](#), City Planner, (612) 673-5467
Applicant: Lakewest Development, LLC
Project Contact: Donald Jensen
Request: Variances to construct a new single family dwelling on a reverse corner lot and construct an addition to the front of an existing dwelling.

Required Applications:

Variance	Variance to reduce the established front yard setback along 40th Street West from 48 feet to 29 feet for an addition to the front of an existing single-family dwelling.
Variance	Variance to reduce the established front yard setback along 40th Street West from 41.7 feet to 29 feet to allow for the construction of a new single-family dwelling on a reverse corner lot.
Variance	Variance to reduce the established front yard setback along Thomas Avenue South from 37.8 feet to 16 feet to allow for the construction of a new single-family dwelling on a reverse corner lot.

SITE DATA

Existing Zoning	RI Single-Family District
Lot Area	13,551 square feet
Ward(s)	13
Neighborhood(s)	Linden Hills
Designated Future Land Use	Urban Neighborhood
Land Use Features	N/A
Small Area Plan(s)	Linden Hills Small Area Plan

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is zoned RI Single-family District and consists of 4 originally platted lots. The property is a slightly irregular rectangle, measuring approximately 125' x 108', totaling 13,551 square feet in area. Presently on site are a 4,336 square foot 2-story dwelling and a detached garage.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The subject property sits at the northwest corner of Thomas Avenue S and 40th Street W. The surrounding area is developed as single-family dwellings.

Date Application Deemed Complete	September 29, 2014	Date Extension Letter Sent	N/A
End of 60-Day Decision Period	November 3, 2014	End of 120-Day Decision Period	

PROJECT DESCRIPTION. The applicant is proposing to split the parcel into two lots. A portion of the east side of existing house would be removed to allow for the required lot widths and setbacks. They are proposing an addition to the front of the house to make up some of the removed floor area and create a new front entry facing 40th Street W. Finally, the applicant is proposing to construct a new 2-story single-family dwelling on the new reverse corner lot that would be created by the split. The new house would have a floor area ratio (F.A.R.) of .37. The house would measure 25' to the mid-point of the roof and 32' to the peak. Based on the plans submitted by the applicant, the design would achieve at least 20 points through the administrative site plan review process, exceeding the minimum required 17 points.

The variance applications outlined in this report cover requests for both the addition to the front of the existing house and the construction of a new house on the eastern half of the lot. The parcel has not been formally split, thus all three applications are currently attached to the one existing parcel and covered in one staff report. The underlying platting would allow the parcel to be split administratively, without the need for a minor subdivision. Because the parcel is already a reverse-corner lot and an additional reverse-corner lot would not be created, a variance to the subdivision regulations is not required.

PUBLIC COMMENTS. Staff has received public comments from neighboring property owners as well as the Linden Hills Neighborhood Council. These comments are included at the end of the staff report. The plans and requested variances were adjusted after some of the comment letters were received, based on feedback from the discussion with the Linden Hills Neighborhood Council meeting on September 15, 2014.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a (1) Variance to reduce the established front yard setback along 40th Street West from 48 feet to 29 feet for an addition to the front of an existing single-family dwelling; (2) Variance to reduce the established front yard setback along 40th Street West from 41.7 feet to 29 feet to allow for the construction of a new single-family dwelling on a reverse corner lot; and (3) Variance to reduce the established front yard setback along Thomas Avenue South from 37.8 feet to 16 feet to allow for the construction of a new single-family dwelling on a reverse corner lot based on the following [findings](#):

- I. *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.*

Front yard setback variances (40th Street W): The majority of the properties along 40th Street W are built closer to the front lot lines than the existing house at 3940 Thomas Avenue S and the property to the west at 2717 40th Street W. These properties are set back farther than any other within several blocks along 40th and create a substantially larger established front yard setback. Building an addition on the existing house to create a new entry facing 40th Street and building the new house to meet this setback would both result in very little useable rear yard space on both properties, some of which is needed for detached garages. Staff finds that these circumstances are unique to the parcel and create a practical difficulty that was not created by the applicant.

Reverse corner yard setback variance (Thomas Avenue S): The applicant is proposing to construct a new single-family dwelling on a new parcel that would be created at the corner of Thomas Avenue S and 40th Street W. This parcel would meet the required lot area and width requirements of the Zoning Code, but would be a reverse corner lot, as the existing parcel presently is. The subject property was plated as a reverse corner lot. Staff finds that these circumstances create a practical difficulty that was not 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.*

Front yard setback variances (40th Street W): The applicant is proposing to construct an addition on the front of the existing house to create a new front to the building and replace the floor area that would be removed on the east side to allow for the lot split, as well as to construct a new house on the eastern half of the lot. Both the addition and the new house are proposed to be located 29' from the front (south) lot line. This is less than the established front yard setbacks for the properties, which is 41.7 feet for the new house (based on the location of the existing house on the property) and 48' feet for the existing house (based on the location off the house at 2717 40th Street W). However, it is in line with the house at the west end of the block at 2718 40th Street W, which was granted a variance to the same setback in 2001 for a 2nd story addition with an open porch below. Properties facing 40th Street W on both sides of the street to the east and west of the site are generally built closer to the street than the 2 houses creating the established setbacks in this instance. Construction of an addition to the existing house and a new house on the eastern half of the lot are a reasonable use of the property. Given the varied and generally smaller setbacks of other similar properties in the vicinity, the request is in keeping with the spirit and intent of the ordinance and comprehensive plan.

Reverse corner yard setback variance (Thomas Avenue S): The applicant is proposing to locate the house 16' from the east lot line at the closest point, varying from the 37.8' setback created by the property to the north at 3932 Thomas Avenue S. This area was platted with several blocks of properties facing 40th Street W, creating a number of reverse corner lots, none of which appear to meet the required reverse corner setback requirements of the present day Zoning Code. The spirit and intent of the ordinance is to protect established neighborhood character, not to prevent reasonable use of property. Staff finds that the proposal to build a new house on a lot meeting the applicable area and width requirements is reasonable and in keeping with the spirit and intent of the Zoning Code and 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.*

Front yard setback variances (40th Street W): One property along this block face has already been granted a variance to build closer to 40th Street W than the established setback, and most other properties fronting the street in both directions are closer than the established setback. The overall character of the area is to have lesser setbacks than the current established setbacks. The addition to the front of the existing house would be approximately 40 feet from the closest corner of the house to the west and there is a line of trees near the property line. These factors should limit the visual impact of the addition for the immediate neighbor. Staff finds that the proposed addition and new construction would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Constructing an addition to an existing

house and constructing a new house on the eastern half of the lot would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Reverse corner yard setback variance (Thomas Avenue S): Several properties in the area are reverse corner lots that do not meet the established reverse corner front setbacks. The applicant is proposing to construct the new house 16' from the east lot line at the closest point- the majority of the wall would be at an 18' setback. The rear wall of the proposed house would be located approximately 80' from the closest point of the nearest house to the north, separated by an alley, with the proposed detached garage and a cluster of trees between them. Allowing the construction of a new house on the parcel would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or those utilizing the property or nearby properties.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the established front yard setback along 40th Street West from 48 feet to 29 feet for an addition to the front of an existing single-family dwelling for the property located at 3940 Thomas Avenue S in the R1 Single-Family District, subject to the following conditions:

1. The applicant shall apply to obtain necessary approvals for administrative site plan review.
2. CPED staff review and approve the final site plan, building plans, and elevations.
3. All site improvements shall be completed by October 23, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the established front yard setback along 40th Street West from 41.7 feet to 29 feet to allow for the construction of a new single-family dwelling on a reverse corner lot for the property located at 3940 Thomas Avenue S in the R1 Single-Family District, subject to the following conditions:

1. The applicant shall apply to obtain necessary approvals for administrative site plan review.
2. CPED staff review and approve the final site plan, building plans, and elevations.
3. All site improvements shall be completed by October 23, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the established front yard setback along Thomas Avenue South from 37.8 feet to 16 feet to allow for the construction of a new single-family dwelling on a reverse corner lot for the property located at 3940 Thomas Avenue S in the R1 Single-Family District, subject to the following conditions:

1. The applicant shall apply to obtain necessary approvals for administrative site plan review.
2. CPED staff review and approve the final site plan, building plans, and elevations.
3. All site improvements shall be completed by October 23, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Existing conditions survey
4. Proposed split survey
5. Site plans
6. Plans and elevations for existing house
7. Plans and elevations for proposed new house
8. Photos
9. Comment letters

PROJECT NARRATIVE – VARIANCE(s) and LOT SPLIT APPLICATION

3940 Thomas Ave South
Minneapolis, Minnesota

Summary

Lakewest Development, LLC is proposing to split the existing 4 original lots to create two lots for home sites. We will construct a new single-family home on the open part of the original lots east of the current 3940 Thomas Avenue S. structure. Each lot will be greater than the SF minimum lot size and be of complying width. The existing home will remain on a lot of 7300 SF. The new home site at the corner of Thomas and 40th Street contains 6251 SF. The existing home will be remodeled to adapt to the new lot configuration, and identify with the streetscape more actively through a new entry and handicap adaptable front bedroom addition.

In order to construct the proposed new single-family home with required room width and City living area criteria, two reasonable setback variances are required. In order to build an addition to the existing home one setback variance is requested. The lots are larger than many in the surrounding neighborhood and the variances for Parcel B is the least distance required but less than many home sites for the side corner setback. Plans were modified as a result of the Linden Hills Neighborhood Council meeting of September 15 to line up both front setback distances to 40th street with the home at 2718 40th Street. Unanimous to not oppose the variances.

Strict adherence to the unique “string line” or prevailing adjacent home setbacks causes undue hardship and is unique to this property. The actions requested do not diminish the welfare of the surrounding neighbors and neighborhood. The improvements planned are in harmony with the current surrounding neighborhood reinvestments in the immediate vicinity as it adapts to new families through remodeling.

1. For Parcel A, Existing home: Prevailing Front yard setback variance to living area from 40th Street West due to distances on the same block (greater than the block East) From 40.6' to 29', 4' greater than the typical minimum, and similar to the home at Upton and 40th Street, to construct bedroom addition.
2. For Parcel B, Front Yard setback variance to living area from prevailing home north of alley of 30.1' to 16' from Thomas Ave. S.
3. For Parcel B, Prevailing front yard setback variance for existing home of 41.7' to 29' to construct home with entrance facing 40th Street Frontage.

Site Description:

The site is 124.5' in depth by 108.41' in width. The existing home is primarily on lots 9 and 10 of the original Cottage City subdivision. The new parcel is primarily on lots 7 and 8 of the original Cottage City subdivision. The lot pattern at this location is a north south orientation. We will remodel the existing home and add a new front entry and bedroom, providing a new set of improvements that is in keeping with the trends of eyes on the street and front yard meet and greet spaces.

The new lot of 50 feet in width provides a compliant area for vacant lots. A new home of at least 3400 SF including a basement for storm shelter purposes is planned which will have an entry facing 40th and the main front entrance from Thomas Ave. with a new sidewalk.

The existing garage and its angular access remains for 3940 Thomas and a new 22' x 22' garage with 5:12 pitch will be part of the new construction for the corner lot. As an improvement due to conversations with the property owner at 3932 Thomas Ave, the garage will be angled to minimize turning issues and to see if a large Oak at the edge of the existing driveway can be saved.

The reorganized lot lines strengthen the character and desirability of the city's neighborhood area and seeks to accommodate additional reinvestment that is in keeping with the orientation, pattern, materials, height and scale of surrounding dwellings but for the modest variances requested. One more family can enjoy the area as a result of the lot split.

Existing Trees

The defining large Hackberry trees at the corner of the alley access to Thomas Ave. and the Maple and Cedars along the Thomas Ave frontage are scheduled to remain in order to frame the new construction. A large 34" oak also on the Thomas Ave frontage is scheduled for crown pruning and root pruning in order to assist in creating ambiance to the new entrance. We will defer to our tree pruning and care company for additional survival tips during construction. Being able to perform foundation work in the fall and winter will assist in minimizing concerns over root compaction. The stone retaining walls also at the alley and Thomas are scheduled to remain.

The new house construction detailing will pick up the stone walls in use of stone veneers to replicate the look along the foundation and detail entry areas. A stairway to the entrance will penetrate the grade change and shrub zone from Thomas Ave.

Parcel B Variance Request – 40th street Front Yard Prevailing Setback Variance to:

A front yard setback variance is being requested in order to accommodate construction of the proposed new single-family home. City code requires a front yard setback of 25' or an increased setback if the neighboring parcels exceed the front yard setback of 25'. The setback concept presumes no further improvements to the home farthest back from the road will ever occur. The home at 2712 has yet to proceed on an addition towards 40th Street. Future homeowners may still choose this right. Homes to the east and west of 3940 Thomas have all proceeded on additions and remodeling in recent years and all have built closer to the 40th street right of way but no closer than the underlying 25' setback for living area.

The front yard setback variance being requested from 40th Street is 29' to the principal structure. This is four feet farther from the right of way than the underlying minimum and allows for a reasonable transition. Many homes in the neighborhood have architecture that embraces the street similarly including the home immediately East as well as all the home immediately South of 40th Street.

Lakewest, LLC offers 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 original home sites here were created in a different era without regard or concern for future remodeling or building issues created by updated zoning codes and revisions to the code since the original structures were sited.
2. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone. The orientation is different to the north and meeting 48' setback prohibits further expansion towards 40th for any purposeful addition. The home to the west (2712 40th) has yet to remodel into the front setback area and unreasonably controls development on adjacent land. It did not prevent the home at 2718 40th Street from remodeling to 28.1 feet from 40th street in a separate variance action. The City found no harm in that application. The City has found no harm in granting building permits and remodeling permits to the east along 40th street with 25' to 26.3' setbacks.
- The underlying orientation of the original Cottage City subdivision is north south aligned and created 4 lots at our present site. The reorganization to current minimum widths does not address the practical difficulty in designing a home that meets the unique city requirement of prevailing setbacks. Strict adherence to the more aggressive front yard setback of 3940 Thomas 40th, limits the new lot to a much smaller buildable area without regard for the most significant trees in the rear yard worth saving. Using 2712 40th is more limiting yet.

- The original development pattern of meandering setbacks of this block for prevailing distances were not created by the applicant, and the prevailing pattern of all other neighborhood home sites are closer to the 40th street right of way than the immediate adjacent lot. The existing trees of the home site to remain effectively screen and mitigate any perceived encroachment. The adjacent home does embrace the street with a brick patio but at 33' instead of 25'.
- Construction of a new modestly sized home will keep with the spirit and intent of the applicable ordinances and is a reasonable use for the new combination of 2 original lots that will meet the City plans of architectural fit.

Variance Request - 27xx 40th Street Front Yard Prevailing Setback Variance for Parcel B:

A prevailing front yard setback variance is being requested in order to accommodate construction of the proposed new single-family home. City code requires a front yard setback of 25' or an increased setback if the neighboring parcels exceed the front yard setback of 25'. The front yard setback variance being requested from Thomas Avenue is 16' to an architectural detail bump out of the principal structure. The majority of the proposed structure would be 18' from the right of way. This is a distance greater than but similar to the corner lot patterns of the neighborhood and immediately across the street. Many homes in the neighborhood have architecture that embraces the corner more aggressively including the home on Upton Avenue immediately West as well as the home immediately South at Thomas Ave South of 40th Street. Lakewest, LLC offers the following comments:

1. It is a reverse corner lot oriented to 40th Street. The underlying orientation is maintained but had not proceeded to construction by prior owners.
2. The home with the prevailing setback to Thomas Avenue is oriented to Thomas on an east to west basis instead of north to south. It is across the alley from 3940 Thomas and begins a new and different pattern.
3. The home at 3932 Thomas is heavily screened to a new home by existing trees to remain and a proposed garage that will skew to the alley to maintain safer turning movements.
4. The alley itself is a dividing line to lot layout and home design, setback goals and separates housing patterns and orientations.
5. The action on the new corner does not change access, light or air patterns, or enjoyment of the adjacent properties.
6. The home designs immediately across Thomas Ave. to the north all often within 20' of the right of way and hug the streetscape more aggressively. The preservation of the existing walls and trees at the alley corner effectively screen and embrace the street similarly. Strict adherence to

the more aggressive front yard setback of 3932 Thomas uniquely limits the lot to a very small buildable area.

7. The prevailing shallow setback pattern is honored by the articulation of the design and is unique to this lot. All existing reverse corner lots along 40th street vary from the strict adherence to a dual 25' setback as well as the deepest prevailing setbacks.
8. Construction of a new modestly sized home will keep with the spirit and intent of the applicable ordinance and is a reasonable use for the corner lot that will meet the City systems of architectural fit.
9. Causing this property to limit reasonable use with similar setbacks to surrounding lots would itself be unique and arbitrary, contrary to comprehensive plan goals and intent of the code to not cause undue harm.

Variance Request – 40th Street Front Yard Prevailing Setback Variance to Parcel A, existing 3940 Thomas Ave home:

A front yard setback variance is being requested in order to accommodate construction of a proposed reasonable addition to an existing single-family home. City code created an underlying front yard setback of 25' or an increased setback if the neighboring parcels exceed the front yard setback of 25'. The front yard setback variance being requested from 40th Street is 29' to the principal structure. Many homes in the neighborhood have architecture that embraces the street similarly including the home one lot to the West. Adding a new entry and handicap adaptable bedroom match the new spirit of Mpls to embrace the neighbors and neighborhood.

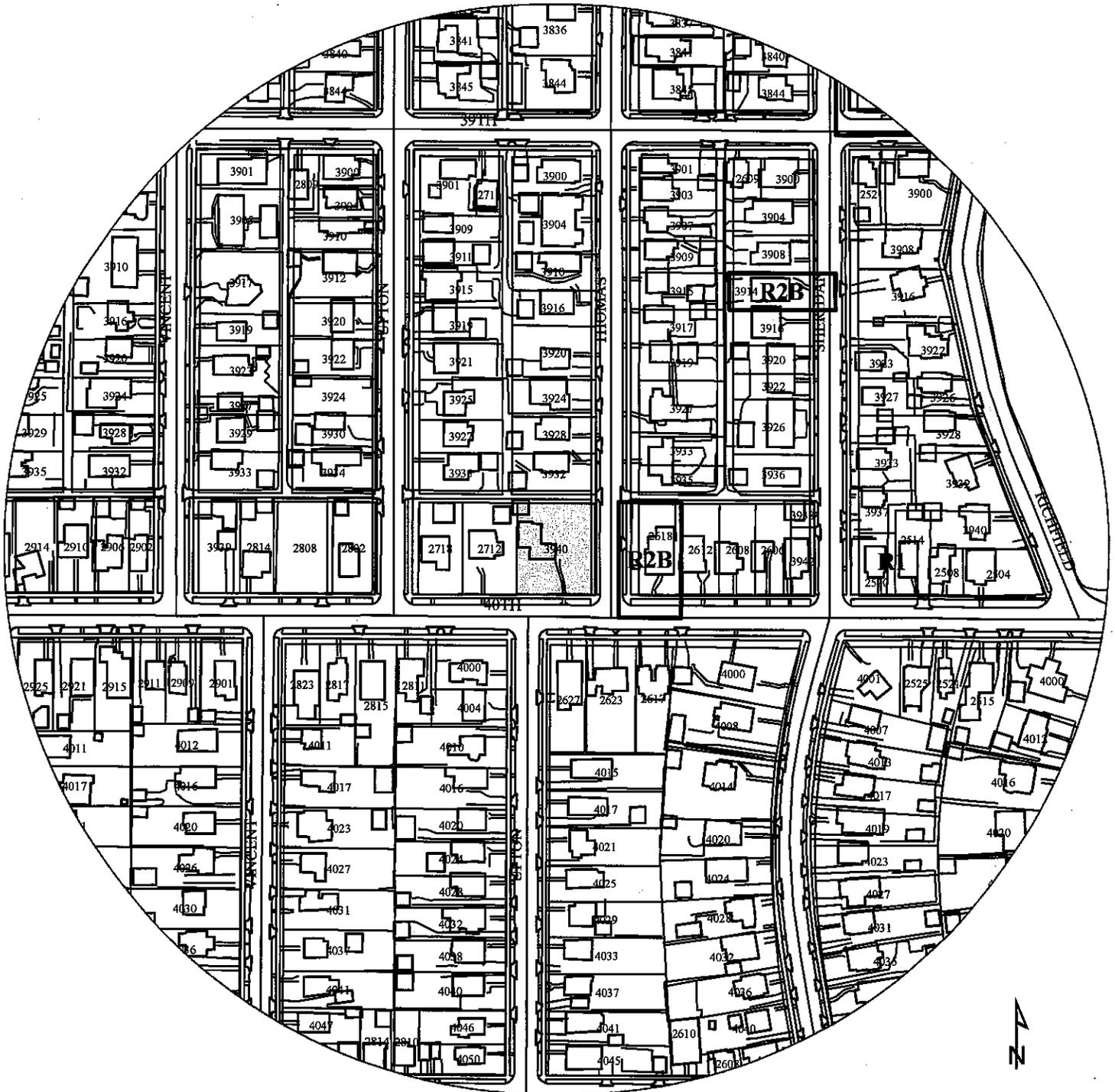
1. The practical difficulty in complying with the ordinance is in reliance on a prevailing setback that is unique and not a pattern. The current owner or applicant did not create this uniqueness. Remodeling has utilized the spaces allowed by the zoning code and created new prevailing setbacks that move front setbacks toward the street so long as they do not become closer than the underlying minimum of 25'. The adjacent property would not be deprived of its right to expand into the front yard in the future by our application.
2. The existing single-family home of 3940 Thomas Ave. will not alter the essential character of the neighborhood or be injurious to the use and enjoyment of neighboring parcels. It will not cause a noticeable increase in traffic congestion. The proposal will not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby properties.
3. Creation of a ramped entry from 40th Street, and an adaptable bedroom enhances the life cycle usefulness of this 100 year old structure.

Lakewest Development- Donald Jensen

13th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

3940 Thomas Avenue S

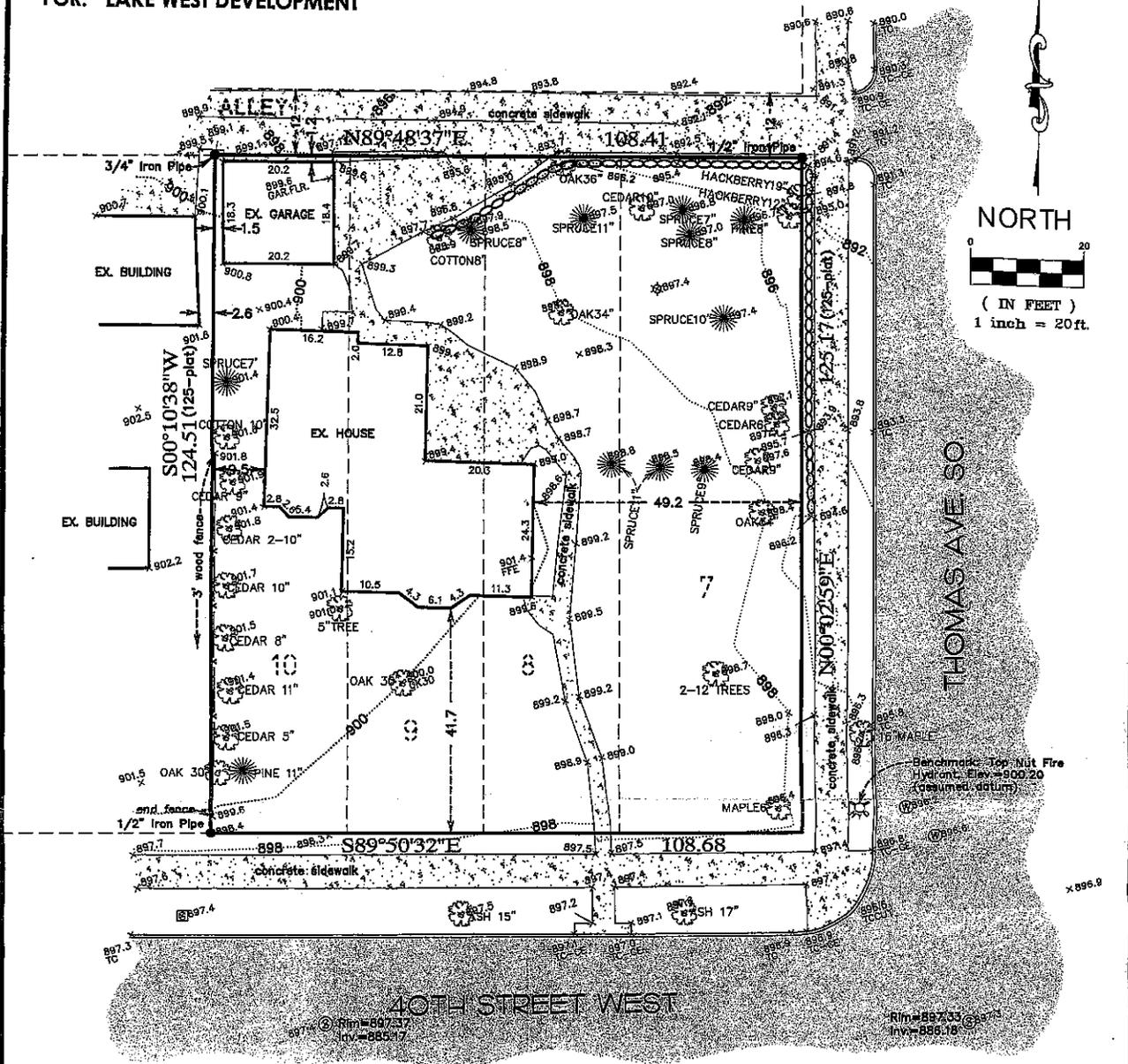
FILE NUMBER

BZZ-6777

CERTIFICATE OF SURVEY

PROPERTY ADDRESS: 3940 Thomas Ave. So., Minneapolis, MN

FOR: LAKE WEST DEVELOPMENT



LEGAL DESCRIPTION

Lots 7, 8, 9 and 10, all in Block 25, Cottage City, Hennepin County, Minnesota.

NOTES

- Field survey conducted on July 15th, 2013.
- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- CONTRACTOR TO VERIFY HOUSE DIMENSIONS, AND SEWER AND BASEMENT DEPTHS.

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ☆ DENOTES STREET LIGHT
- ⊠ DENOTES GAS METER/BOX
- ⊙ DENOTES MISCELLANEOUS MANHOLE
- ⊕ DENOTES SANITARY SEWER MANHOLE
- ⊗ DENOTES FIRE HYDRANT
- ⋯ DENOTES EXISTING CONTOUR
- x- DENOTES EXISTING FENCE
- ☼ DENOTES TREE
- x1011.2 DENOTES EXISTING ELEVATION.
- ▨ DENOTES CONCRETE
- ▩ DENOTES BITUMINOUS
- ⊞ DENOTES RETAINING WALL

JOB #13440

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Eric R. Vickaryous
ERIC R. VICKARYOUS

Date: July 17th, 2013 Reg. No. 44125

ACRE LAND SURVEYING
Serving Twin Cities Metro area and beyond
763-458-2997 acrelandsurvey@gmail.com

CERTIFICATE OF SURVEY

FOR: LAKE WEST DEVELOPMENT

PROPERTY ADDRESS: 3940 Thomas Ave. So., Minneapolis, MN

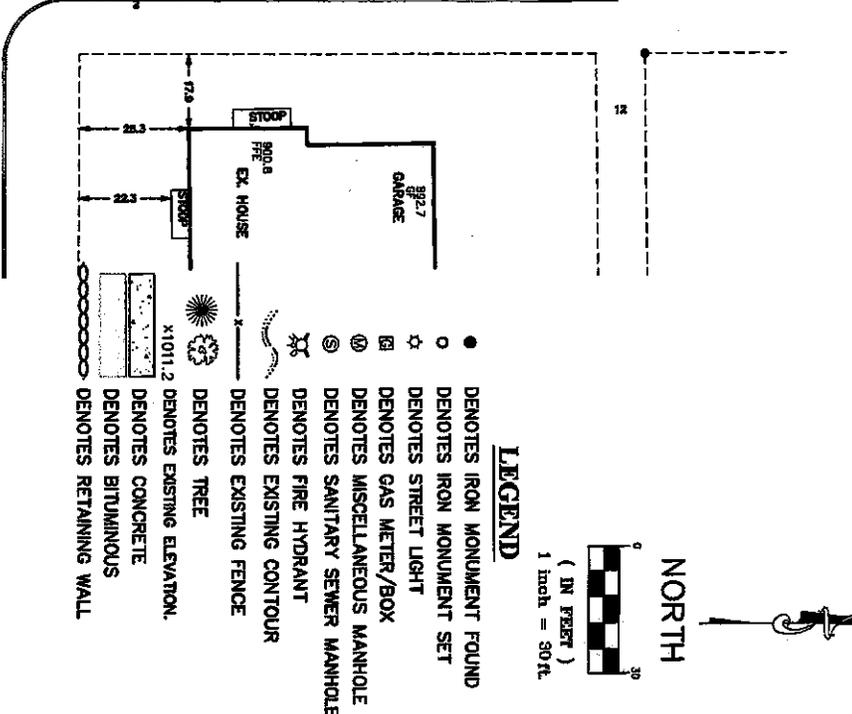
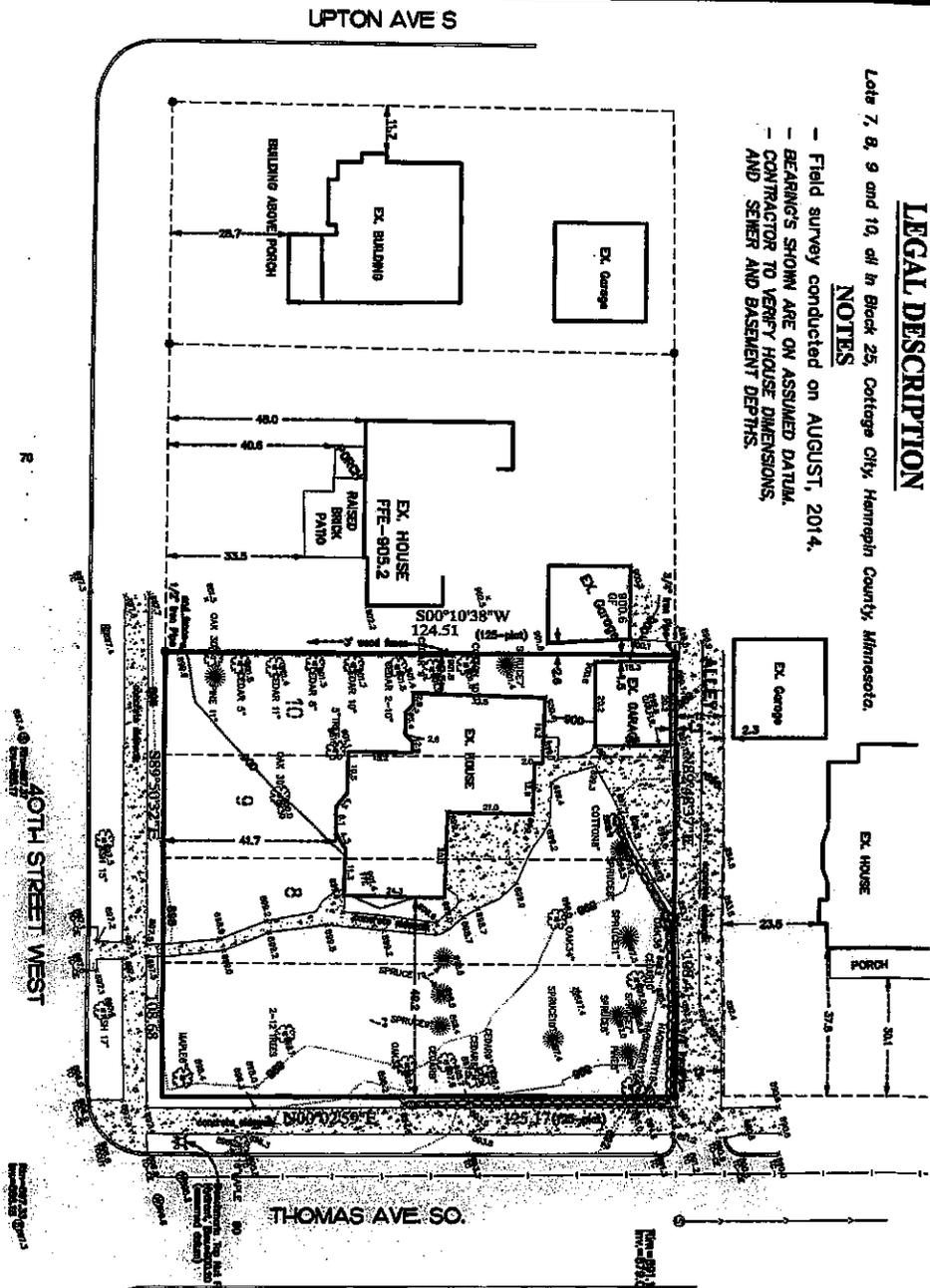
EXISTING CONDITIONS
SHEET 1 OF 4

LEGAL DESCRIPTION

Lots 7, 8, 9 and 10, off in Block 25, Cottage City, Hennepin County, Minnesota.

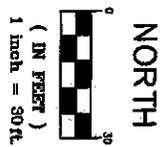
NOTES

- Field survey conducted on AUGUST, 2014.
- BEARINGS SHOWN ARE ON ASSUMED DATUM.
- CONTRACTOR TO VERIFY HOUSE DIMENSIONS, AND SEWER AND BASEMENT DEPTHS.



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ☆ DENOTES STREET LIGHT
- ⊠ DENOTES GAS METER/BOX
- ⊕ DENOTES MISCELLANEOUS MANHOLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊗ DENOTES FIRE HYDRANT
- ⌘ DENOTES EXISTING CONTOUR
- DENOTES EXISTING FENCE
- ☀ DENOTES TREE
- ⊙ DENOTES EXISTING ELEVATION.
- DENOTES CONCRETE
- ▨ DENOTES BITUMINOUS
- ⊞ DENOTES RETAINING WALL



I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

ERIC R. WICKARYOUS

Date: AUG. 25TH, 14 Reg. No. 44125

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JOB #13440

ACRE LAND SURVEYING
Serving Twin Cities Metro area and beyond
763-458-2887 acrelandsurvey@gmail.com

PROPOSED LOT SPLIT

FOR: LAKE WEST DEVELOPMENT

PROPERTY ADDRESS: 3940 Thomas Ave. So., Minneapolis, MN

PROPOSED LOT SPLIT
SHEET 2 OF 4

EXISTING LEGAL DESCRIPTION

Lots 7, 8, 9 and 10, sit in Block 25, Cottage City, Hennepin County, Minnesota.

PROPOSED LEGAL DESCRIPTION

Parcel A:

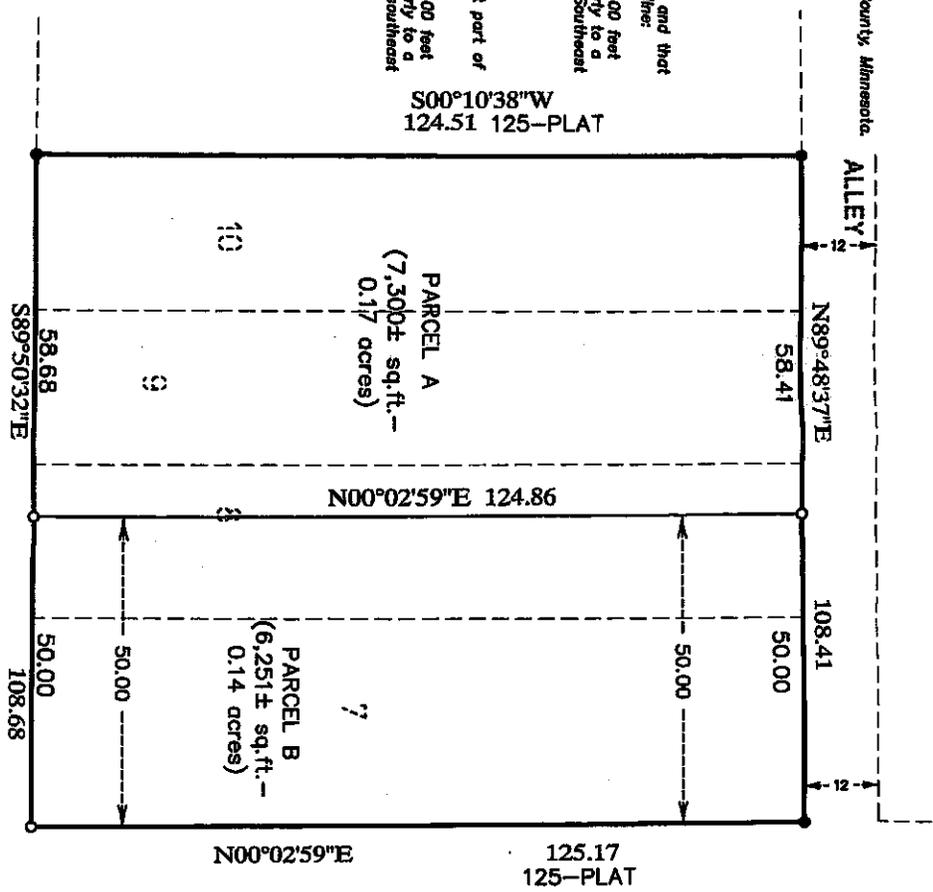
Lots 9 and 10, Block 25, Cottage City, Hennepin County, Minnesota and that part of Lot 8, said Block 25, lying west of the following described line:

Beginning at a point on the North Line of said Lot 8 distant 50.00 feet from the northeast corner of Lot 7, said Block 25, thence southerly to a point on the South line of said Lot 8 distant 50 feet from the Southeast corner of said Lot 7 and there terminating.

Parcel B:

Lot 7, Block 25, Cottage City, Hennepin County, Minnesota and that part of Lot 8, said Block 25, lying east of the following described line:

Beginning at a point on the North Line of said Lot 8 distant 50.00 feet from the northeast corner of Lot 7, said Block 25, thence southerly to a point on the South line of said Lot 8 distant 50 feet from the southeast corner of said Lot 7 and there terminating.



- LEGEND**
- DENOTES IRON MONUMENT FOUND
 - DENOTES IRON MONUMENT TO BE SET
- UPON CITY APPROVAL

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Eric R. Vickaryous
ERIC R. VICKARYOUS
Date: AUG. 25TH, 2014, Reg. No. 44125
C:\Land Projects 2008\13440-npls-custion\ding\13440Dns.dwg 8/25/2014 11:02 PM CDT

THOMAS AVE. SO.

NOTES
- Field survey conducted on AUGUST, 2014.
- BEARING'S SHOWN ARE ON ASSUMED DATUM.



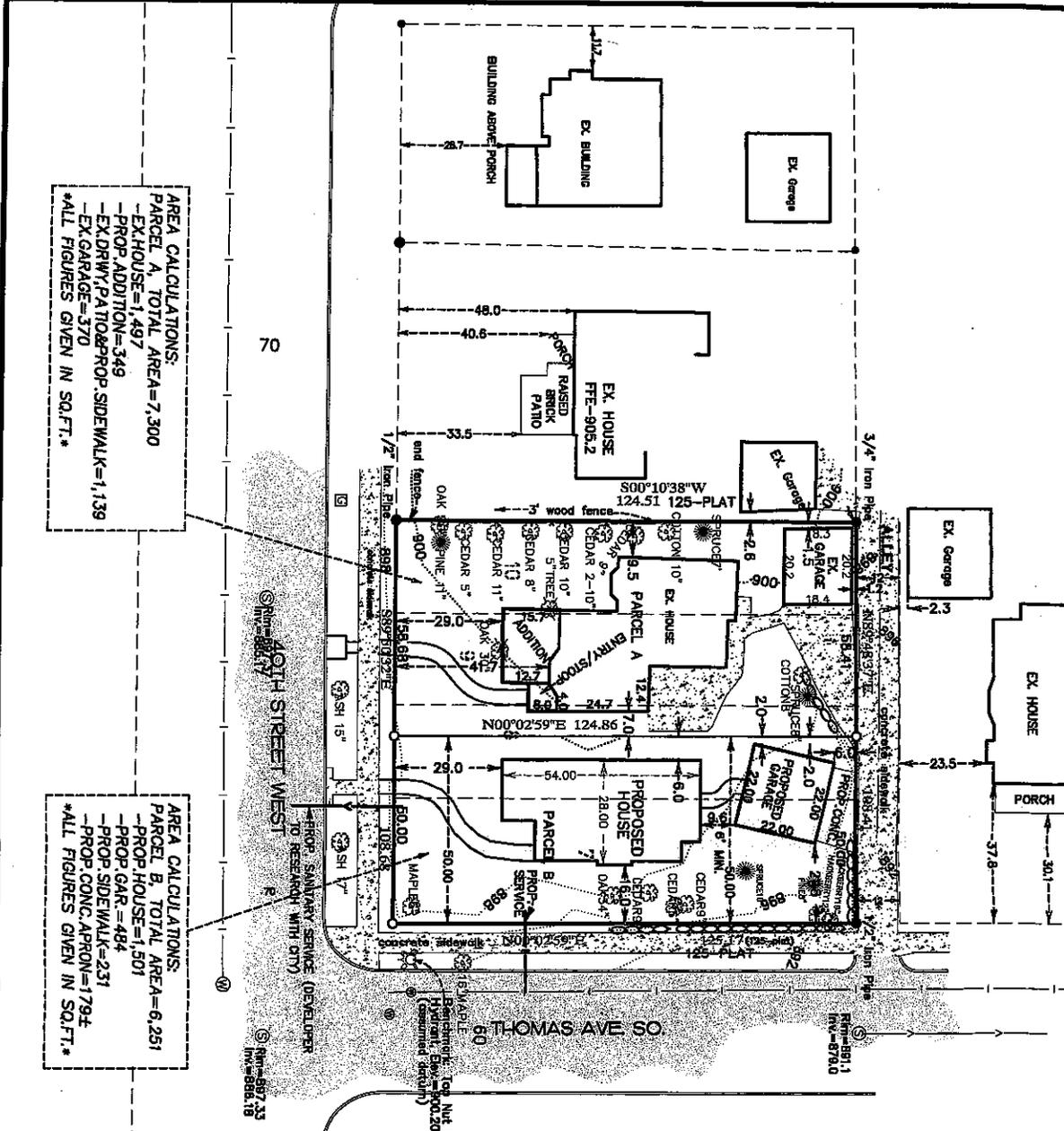
ACRE LAND SURVEYING
Serving Twin Cities Metro area and beyond
763-458-2907 acrelandsurvey@gmail.com
JOB #13440

PROPOSED IMPROVEMENTS SURVEY

FOR: LAKE WEST DEVELOPMENT

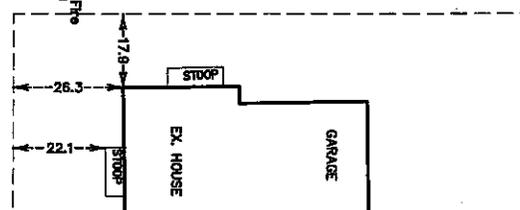
PROPERTY ADDRESS: 3940 Thomas Ave. So., Minneapolis, MN

PROPOSED CONDITIONS
SHEET 4 OF 4



AREA CALCULATIONS:
 PARCEL A, TOTAL AREA=7,300
 -EX.HOUSE=1,497
 -PROP.ADDITION=349
 -EX.DRIVE/PATIO&PROP.SIDEWALK=1,139
 -EX.GARAGE=370
 ALL FIGURES GIVEN IN SQ.FT.

AREA CALCULATIONS:
 PARCEL B, TOTAL AREA=6,251
 -PROP.HOUSE=1,501
 -PROP.GAR=484
 -PROP.SIDEWALK=231
 -PROP.CONC.APRON=1794
 ALL FIGURES GIVEN IN SQ.FT.



LEGAL DESCRIPTION

Lots 7, 8, 9 and 10, all in Block 25, Cottage City, Hennepin County, Minnesota.

NOTES

- Field survey conducted on July 15th, 2013.
- BEARINGS SHOWN ARE ON ASSUMED DATUM.
- CONTRACTOR TO VERIFY HOUSE DIMENSIONS, AND SEWER AND BASEMENT DEPTHS.

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ☆ DENOTES STREET LIGHT
- ⊠ DENOTES GAS METER/BOX
- ⊞ DENOTES MISCELLANEOUS MANHOLE
- ⊕ DENOTES SANITARY SEWER MANHOLE
- ⊗ DENOTES FIRE HYDRANT
- ⊘ DENOTES EXISTING CONTOUR
- ⊙ DENOTES EXISTING FENCE
- ⊚ DENOTES TREE
- ⊛ DENOTES EXISTING ELEVATION.
- ⊜ DENOTES CONCRETE
- ⊝ DENOTES BITUMINOUS
- ⊞ DENOTES RETAINING WALL

LEGEND

(IN FEET)
1 inch = 30 ft.

REV. 09/29/14, sidewalks & porches
 REV. 09/17/14, setbacks & areas
 REV. 09/02/14, parcel "A" setback
 REV. 08/27/14, SCALE, AREA, UTILITIES
 REV. 08/26/14, AREA CALCS

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

ERIC R. VICKARVOUS Date: AUG.25TH,2014 Reg. No. 44125
JOB #13440

ACRE LAND SURVEYING
 Serving Twin Cities Metro Area and beyond
 763-458-2897 acrelandsurvey@gmail.com

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

PROPOSED IMPROVEMENTS SURVEY

FOR: LAKE WEST DEVELOPMENT
 PROPERTY ADDRESS: 3940 Thomas Ave. So., Minneapolis, MN

PROPOSED CONDITIONS
 SHEET 4 OF 4

VARPANCE PATTON AVE
 CORRECTION GRAPH
 Update 9.10 for Tree Preservation
 clarification

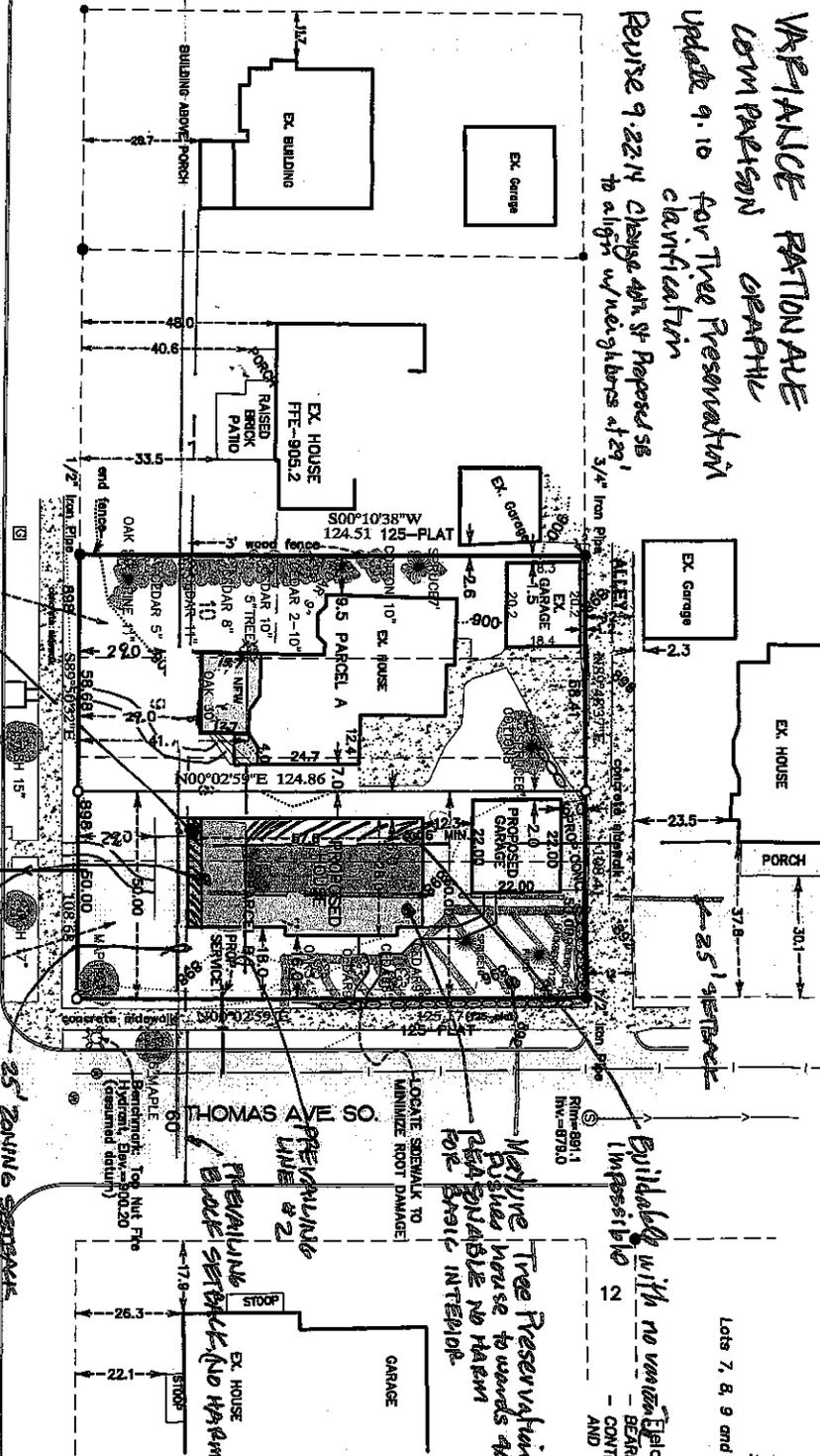
Revised 9.22.14 Change with St. Proposed 58'
 to align w/ neighbors at 29'

AREA CALCULATIONS:
 PARCEL A, TOTAL AREA=7,300
 -EX.HOUSE=1,497
 -PROP. ADDITION/ENTRY=344
 -EX.DRIVE/PATIO/PROP.SIDEWALK=1131
 -EX.GARAGE=370
 ALL FIGURES GIVEN IN SQ.FT.

AREA CALCULATIONS:
 PARCEL B, TOTAL AREA=6,251
 -PROP.HOUSE=1501
 -PROP.GAR=484
 -PROP.SIDEWALK=231
 -PROP.CONC.ASPRON=1791
 ALL FIGURES GIVEN IN SQ.FT.

REMOVE 2' TO HAVE ALL
 STRUCTURE NO CLOSER TO
 NORTH STREET THAN 2'
 PER LANC. 9.15.14

25' ZONING SIDEWALK
 AREA FOR RESPONSIBLE USE
 EXTRA DEPTH CREATED BY
 ORIGINAL HOME WOULD BE REMOVED
 NOT PRESENT.



LEGAL DESCRIPTION

Lots 7, 8, 9 and 10, all in Block 25, Cottage City, Hennepin County, Minnesota.

NOTES

Field survey conducted on July 15th, 2013.
 BEARINGS SHOWN ARE ON ASSUMED DATUM.
 CONTRACTOR TO VERIFY HOUSE DIMENSIONS,
 AND SEWER AND BASEMENT DEPTHS.

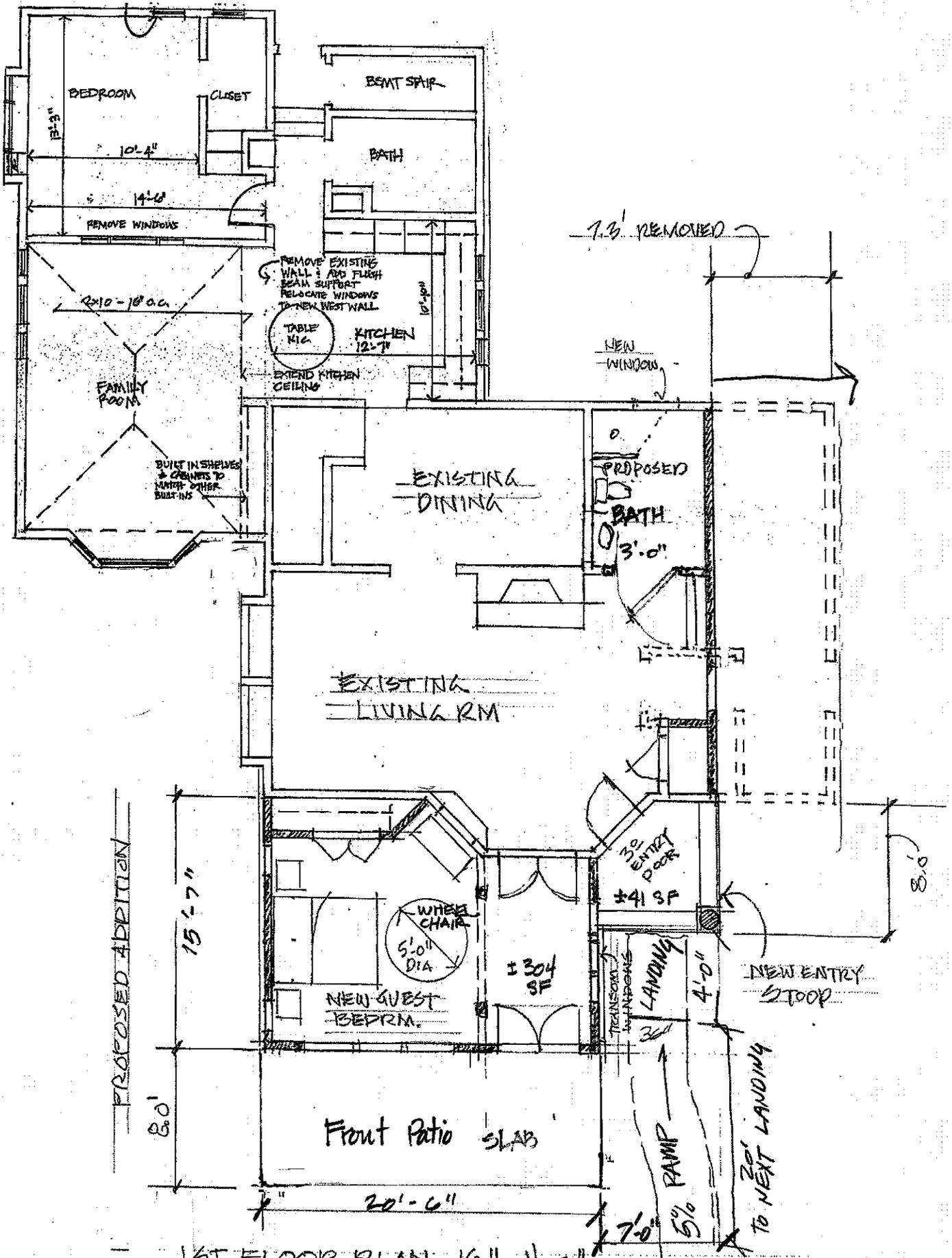
LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ☆ DENOTES STREET LIGHT
- DENOTES GAS METER/BOX
- ⊗ DENOTES MISCELLANEOUS MANHOLE
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- ⊙ DENOTES FIRE HYDRANT
- ⊘ DENOTES EXISTING CONTOUR
- ⊚ DENOTES EXISTING FENCE
- ⊛ DENOTES TREE
- ⊜ DENOTES EXISTING ELEVATION.
- ⊝ DENOTES CONCRETE
- ⊞ DENOTES BITUMINOUS
- ⊟ DENOTES RETAINING WALL

REV. 09/02/14, Parcel "A" setback
 REV. 08/27/14, SCALE, AREA, UTILITIES
 REV. 08/25/14, AREA CALCS
 I hereby certify that this plan, survey or report was
 prepared by me or under my direct supervision and
 that I am a duly Licensed Land Surveyor under the
 laws of the State of Minnesota.

ERIC R. VICKARJOUS Date: AUG.25TH.2014Reg. No. 44125
 JOB #133440

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 763-458-2997 acrelandsurvey@gmail.com

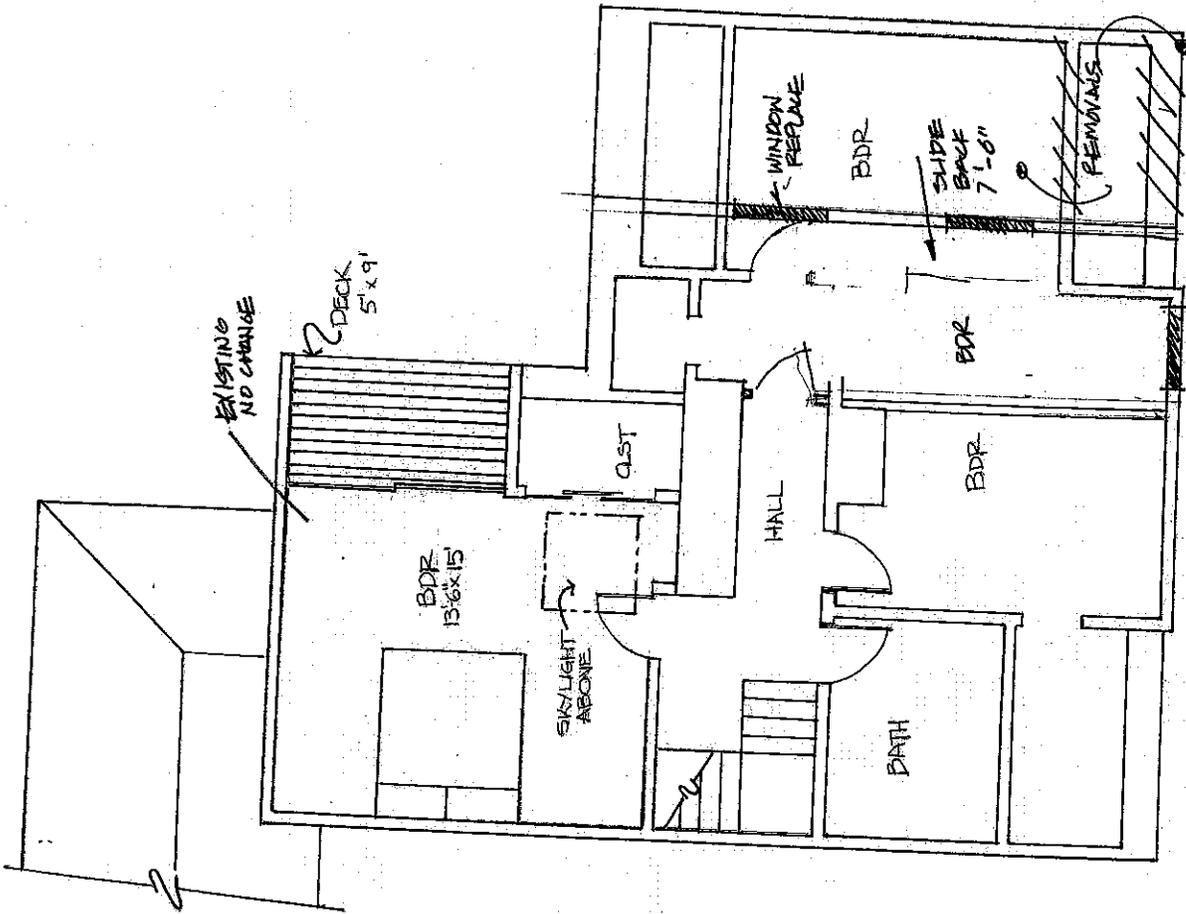


1ST FLOOR PLAN 1/8" = 1'-0"

EXISTING HOME REMODELING @ 3940 THOMAS AVE S., MPLS.

LAKE WEST DEVELOPMENT

9.11.14
NRDI



0 2 4 6
 1/4" = 1'-0"
 3940 T. THOMAS AVE SO
 2ND FLOOR REMODEL
 ALTERNATIVE "B"
 SQ. FT.

WEST ELEVATION
100' 0" WIDE

FOUNDATION IN
3 CORNERS BECAUSE
ON FOUNDATION ATTACHED TO EXISTING

1) NEW CONSTRUCTION

EXISTING WITH
FINISHES

EXISTING
NO CHANGE

NEW
STUDIO

SHINKLES
TO MATCH

REARER WALL
SHINKLE WINDOW

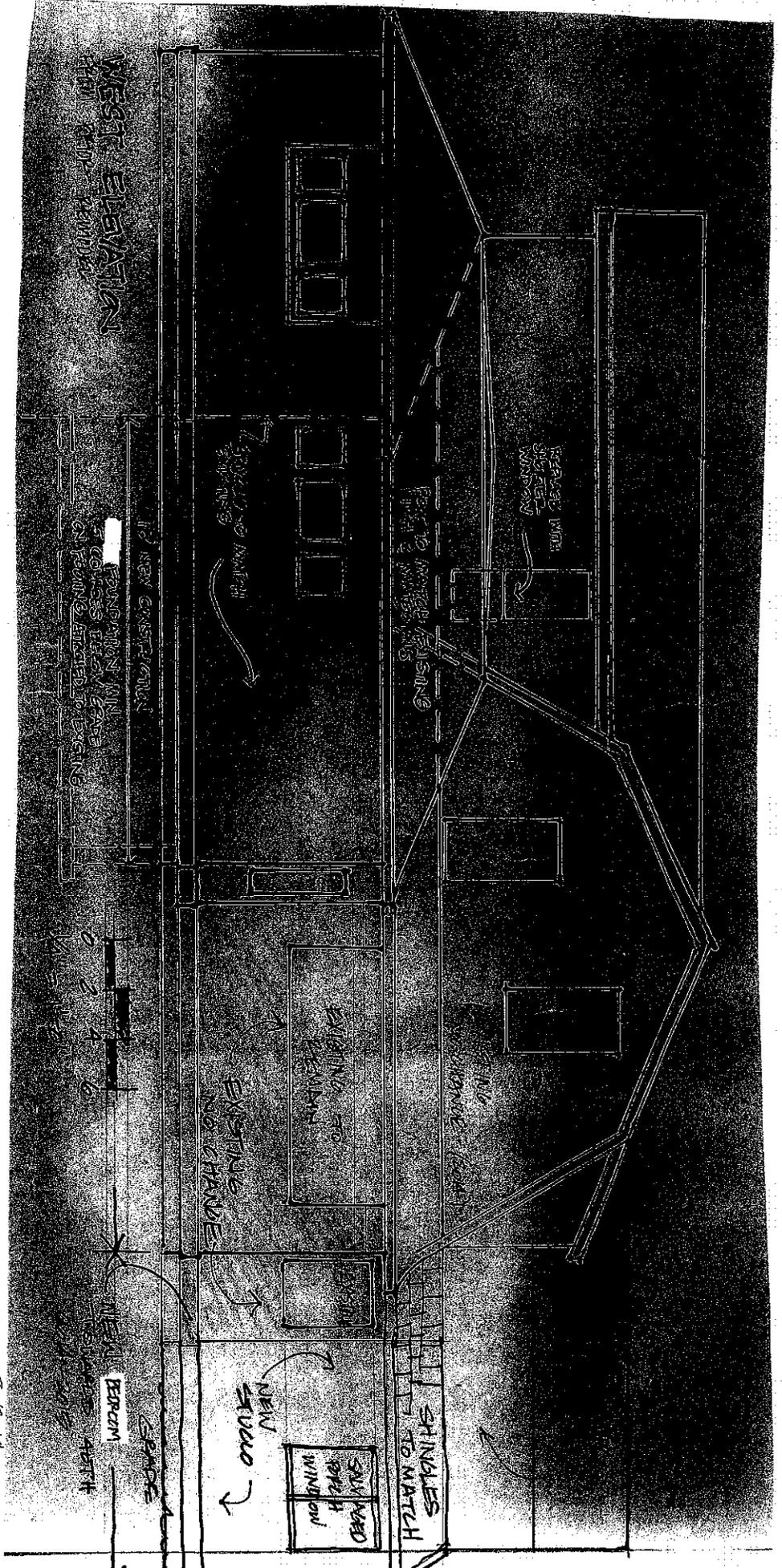
NO
CHANGE

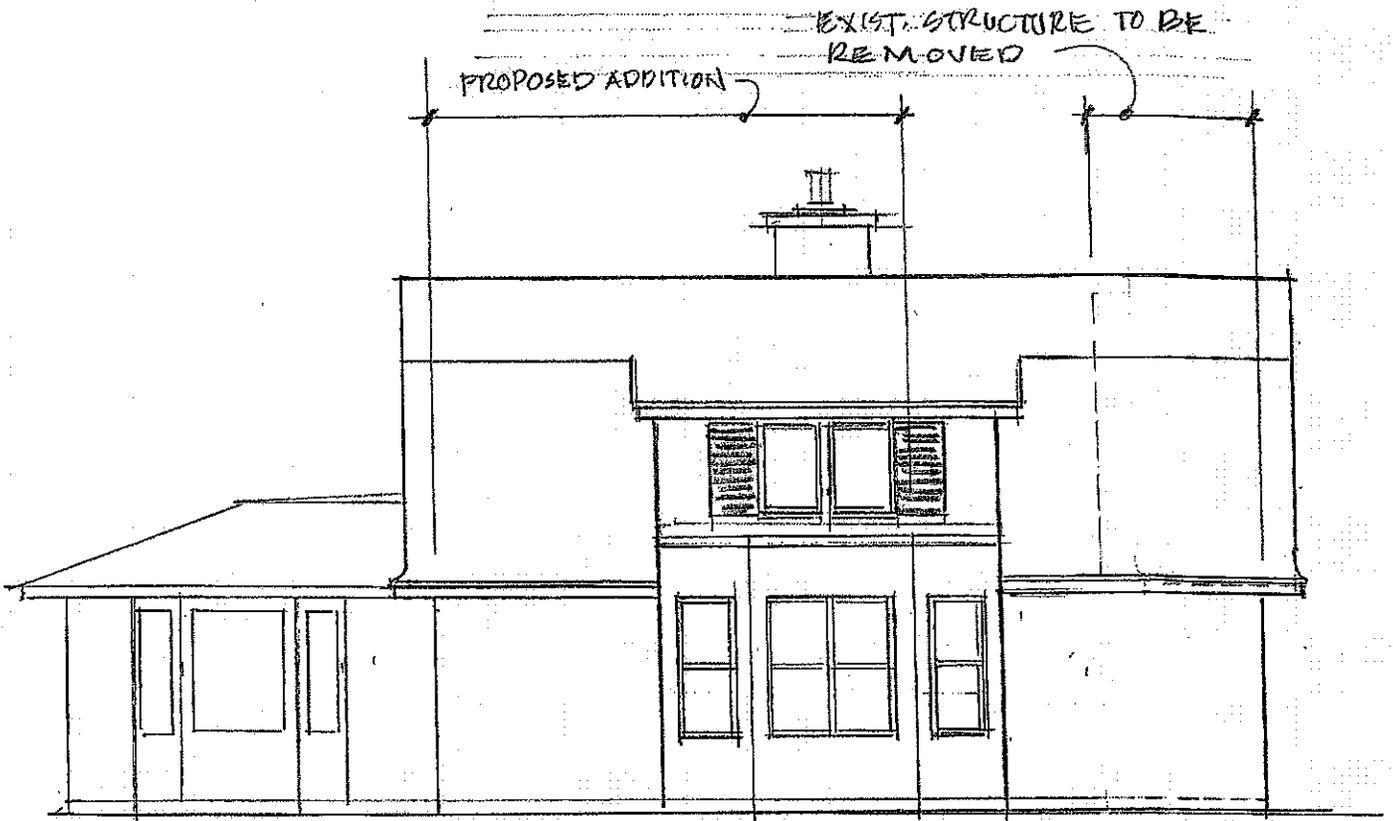
SHINKLES
TO MATCH



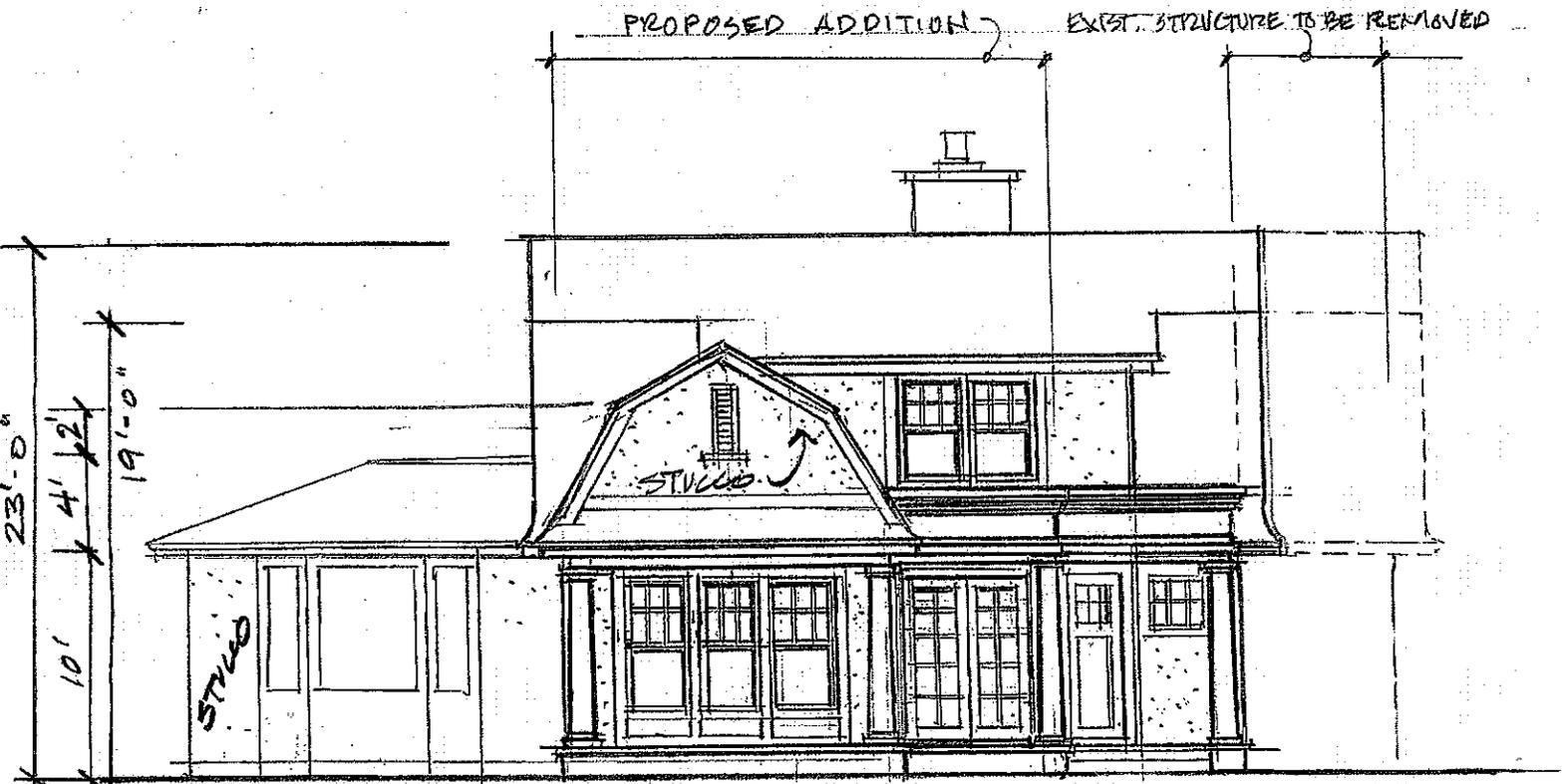
BERCOM
SPACE
40' 0" WIDE

9-18-14





EXISTING ELEVATION $\frac{1}{8}'' = 1'-0''$



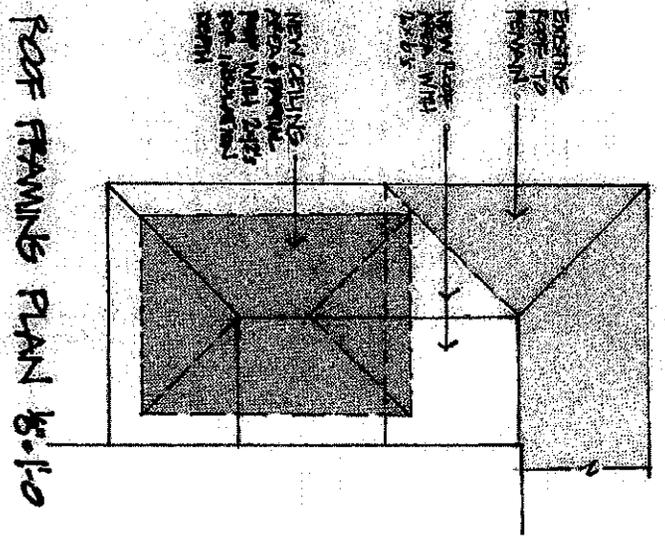
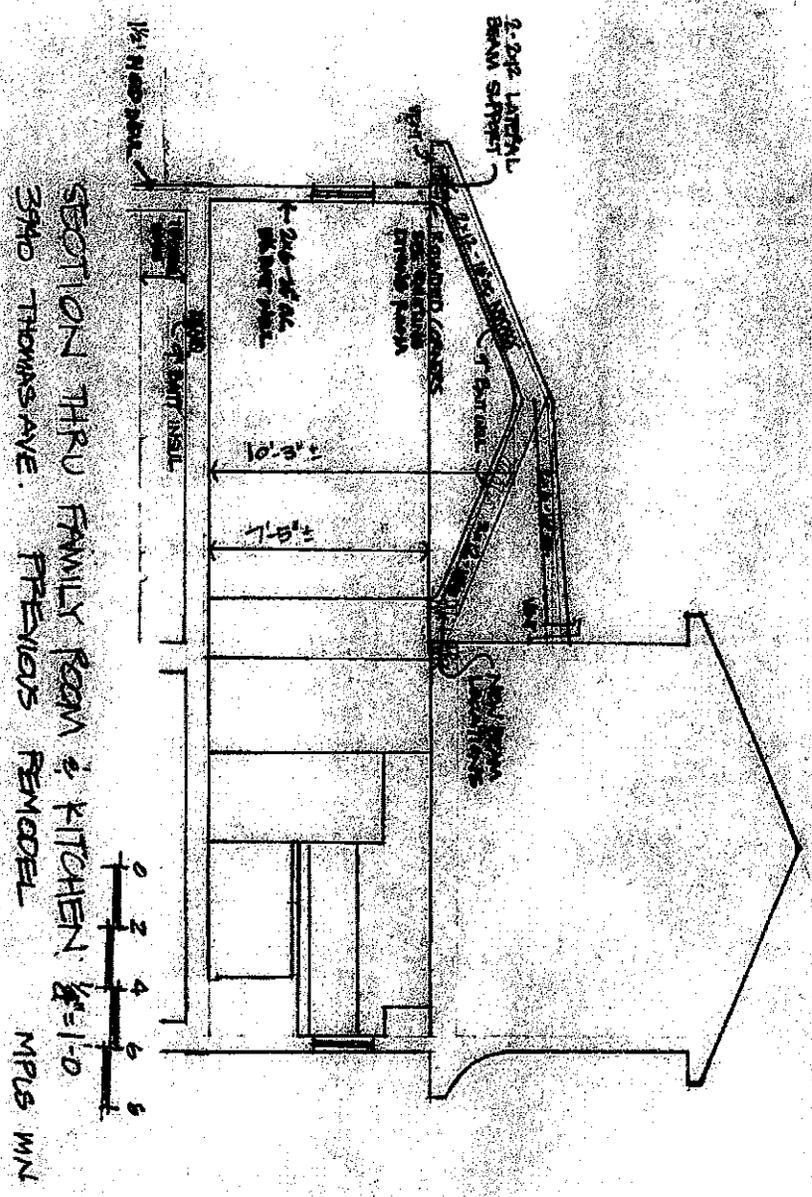
PROPOSED ELEVATION $\frac{1}{8}'' = 1'-0''$

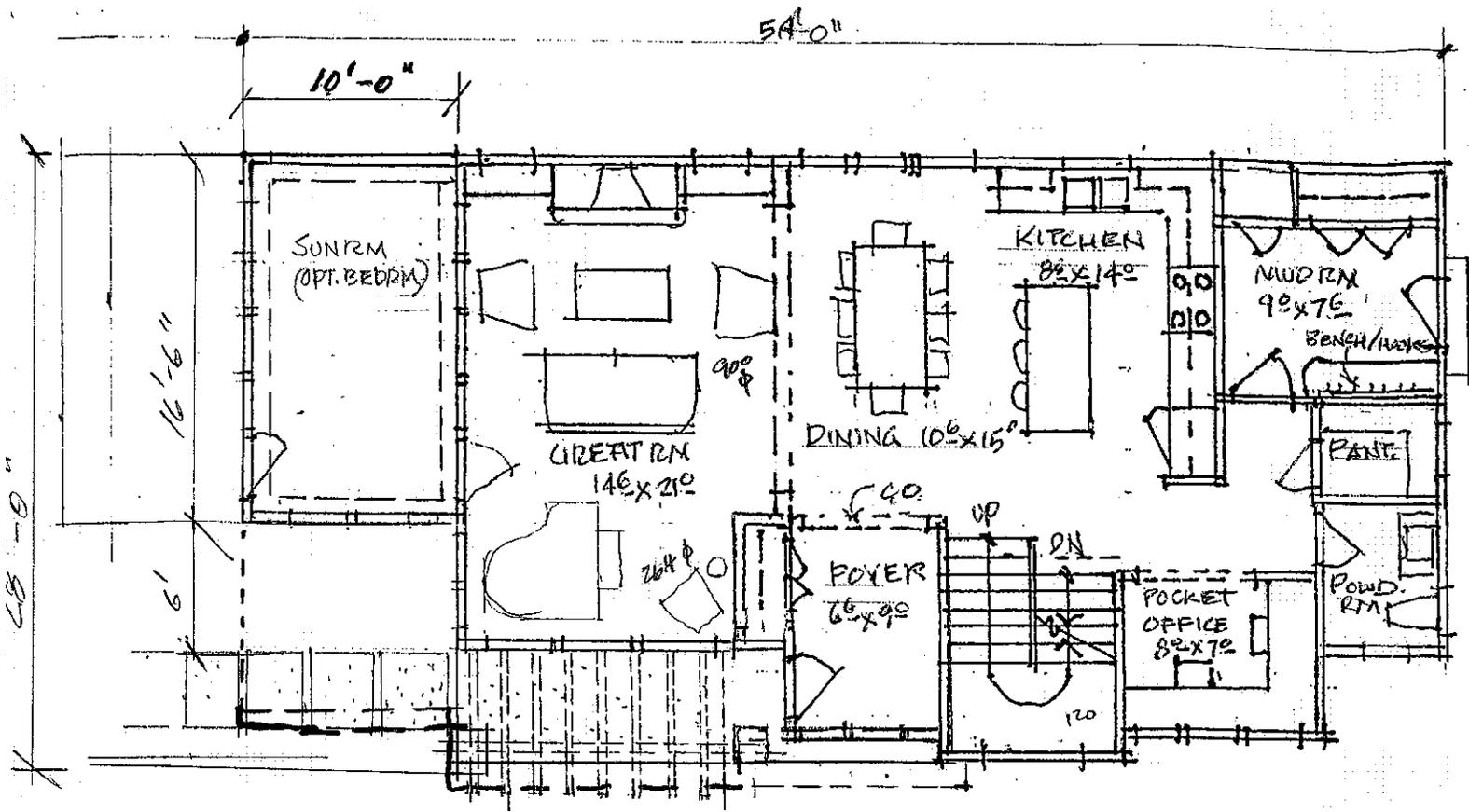
EXISTING HOME REMODELING @ 3940 THOMAS AVE S, MPLS

LAKE WEST DEVELOPMENT

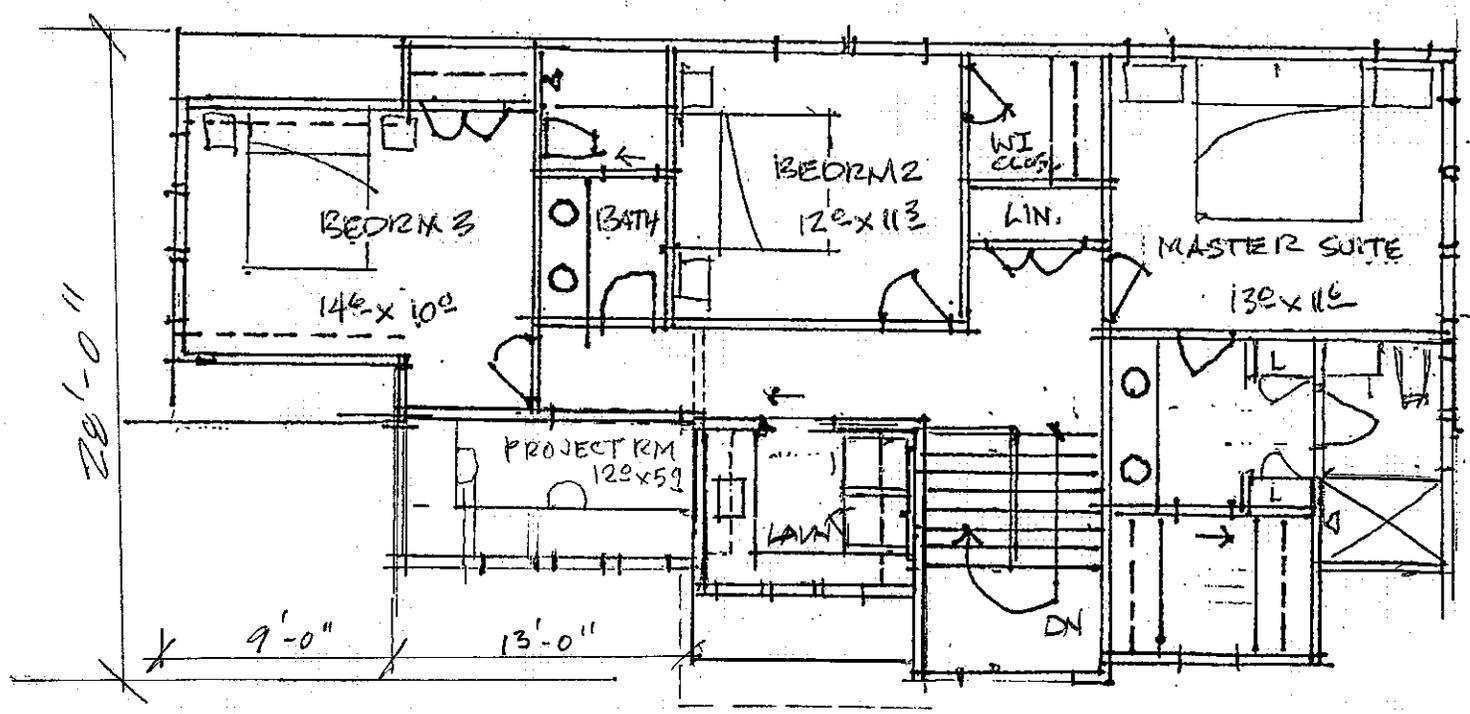
9.11.14

NROI





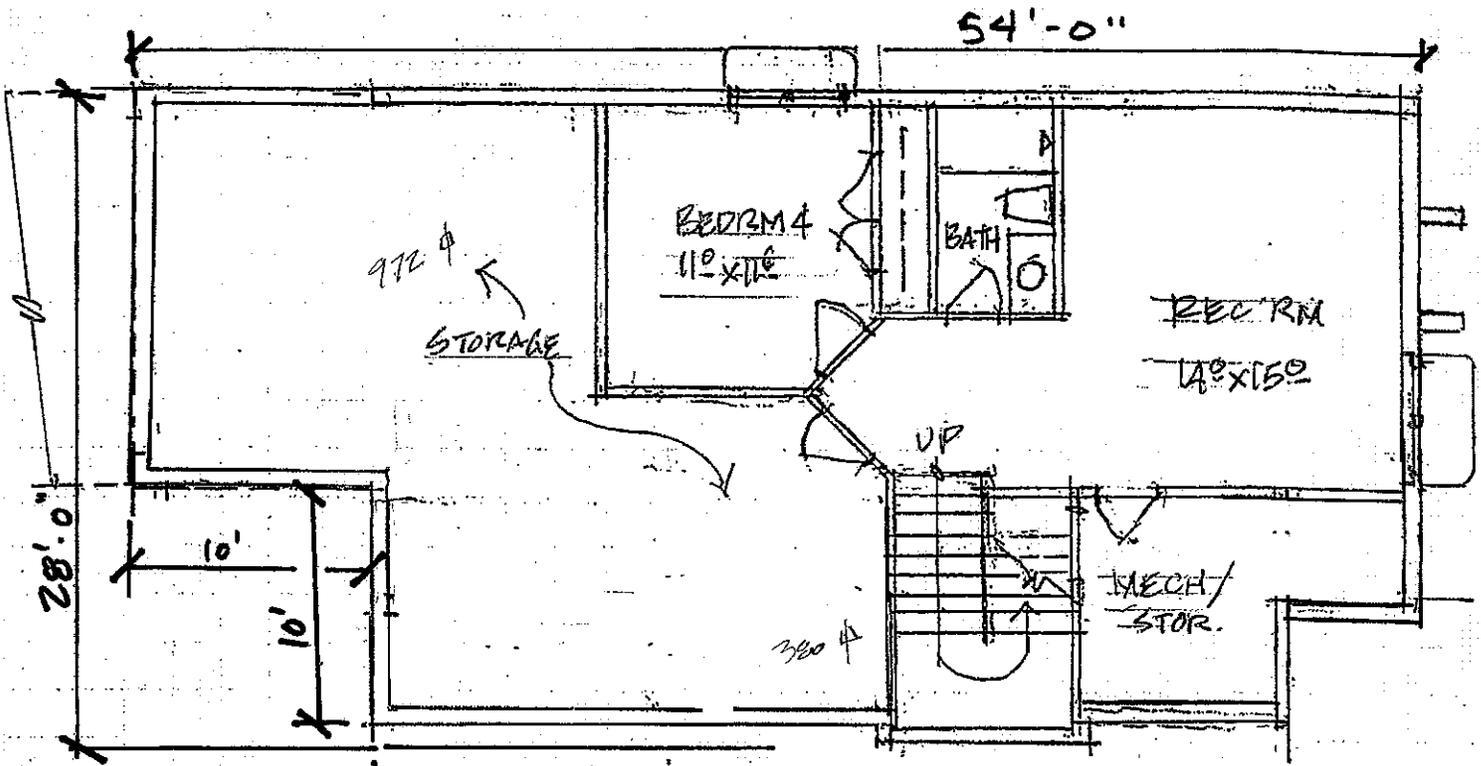
1ST FLOOR PLAN INTERIOR SF ± 1215 SF MIN.
 1/8" = 1'-0"



2ND FLOOR PLAN 1072 SF (EXCLUDES STAIR 78 SF)

3940 THOMAS AVE S, MPLS
 LAKE WEST DEVELOPMENT

9.10.14
 NRDI



BASEMENT LEVEL #1352 SF
 1/8" = 1'-0"

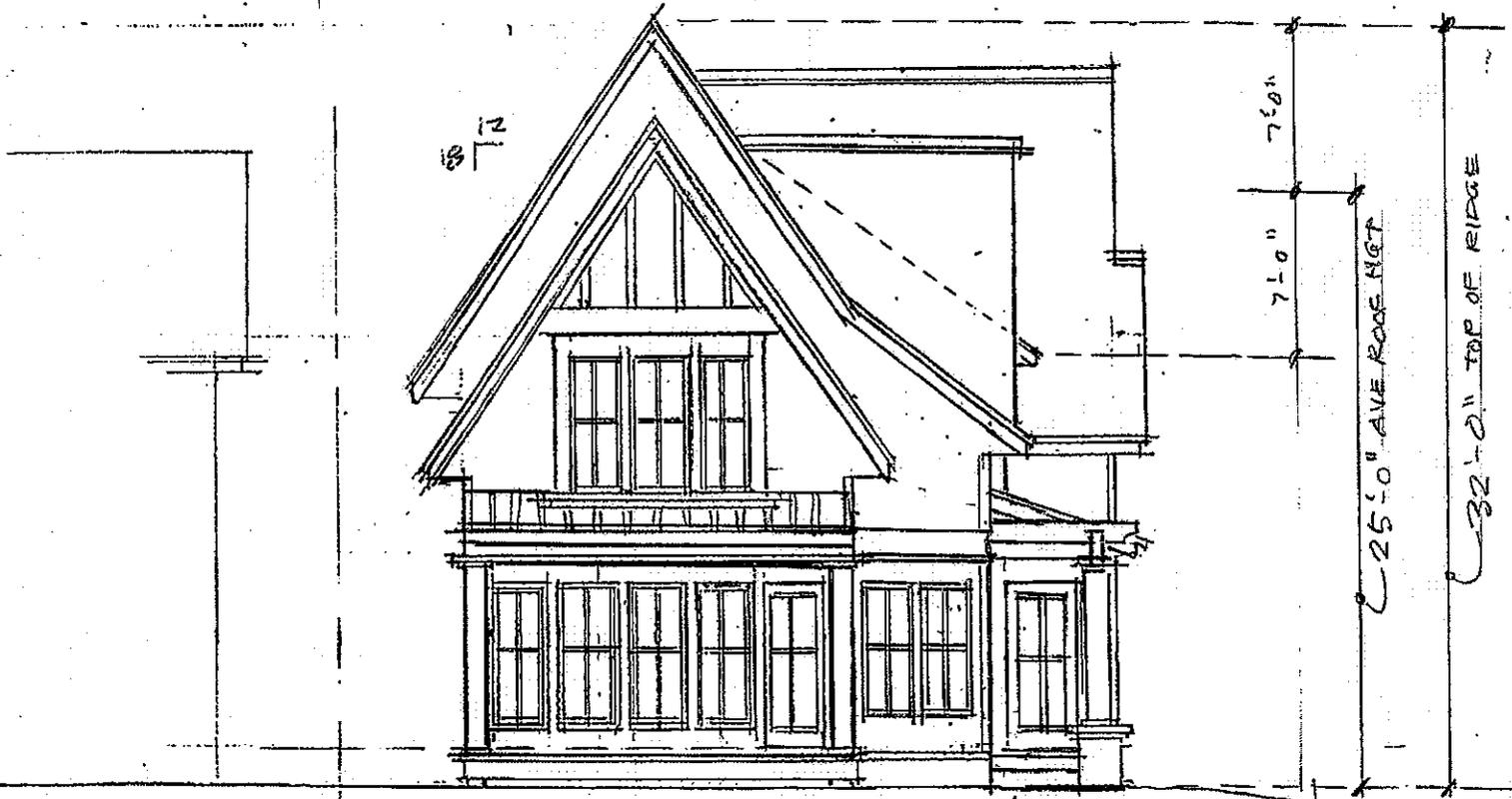
3940 THOMAS AVE S. MPLS. 9.11.14

LAKE WEST DEVELOPMENT NRDI



THOMAS AVE ELEVATION

0 4 8 10 12 1/8" = 1'-0"



40TH STREET WEST ELEVATION

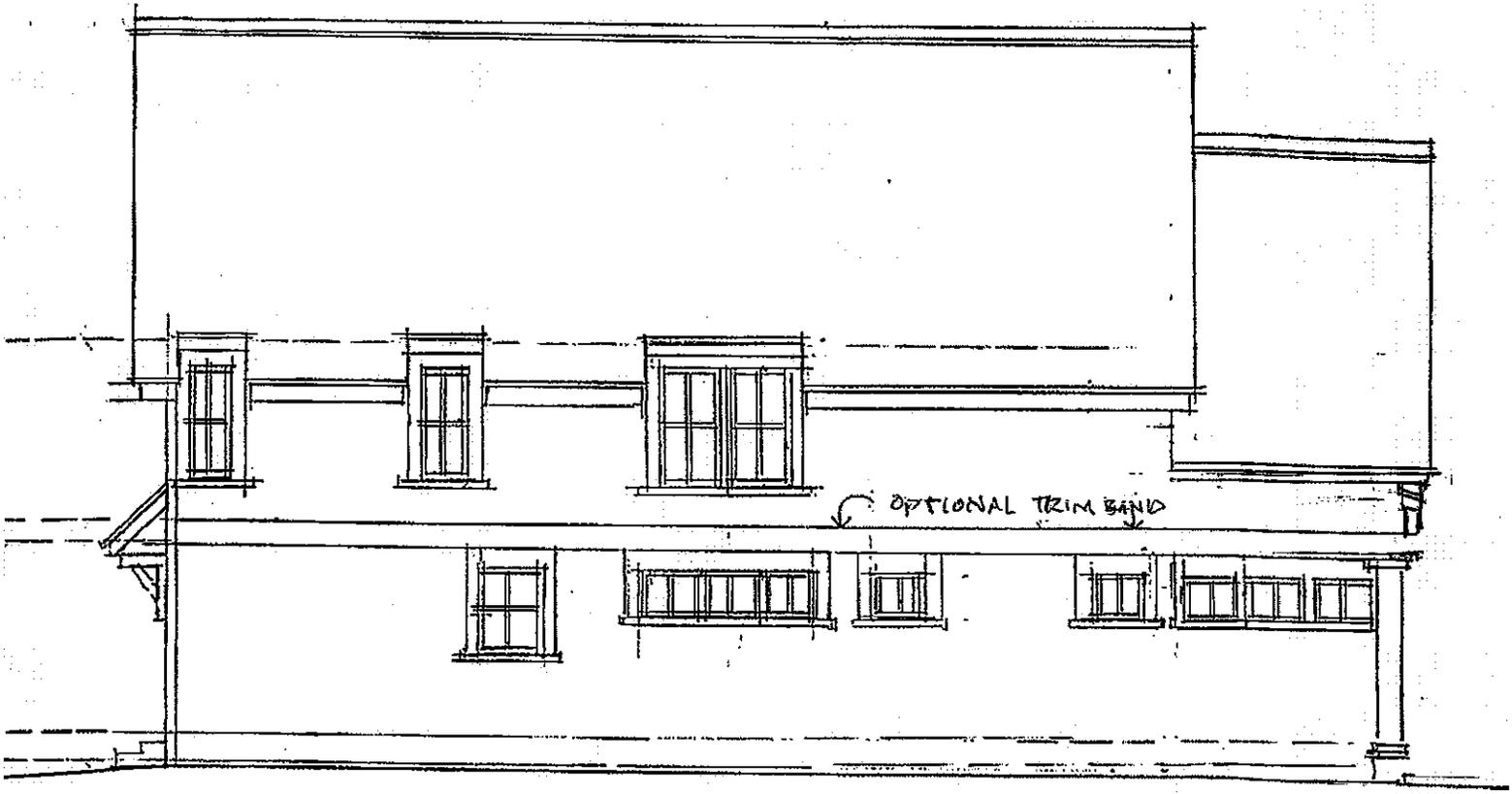
1/8" = 1'-0"

3940 THOMAS AVE S., MPLS.

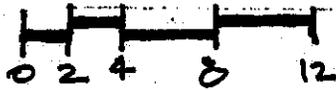
9.10.14

LAKE WEST DEVELOPMENT

NRDI



WEST / INTERIOR SIDE ELEVATION
 $\frac{1}{8}'' = 1'-0''$



NORTH / ALEX END ELEVATION
 $\frac{1}{8}'' = 1'-0''$

3940 THOMAS AVE S. MPLS

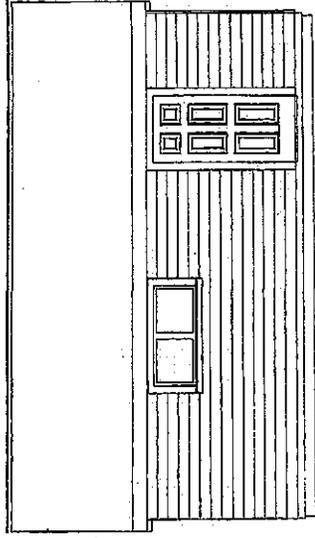
LAKE WEST DEVELOPMENT

9.10.14

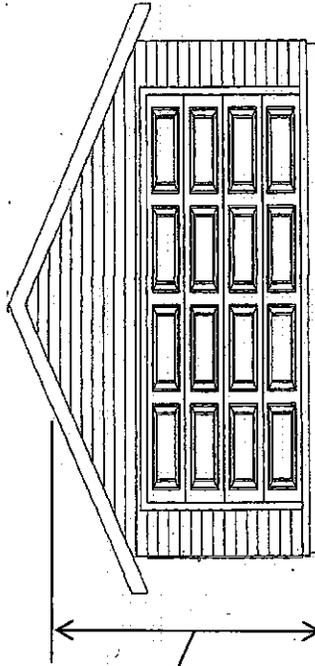
NRDI

Garage Elevations

3940 (Parcel B) THOMAS AVE S.

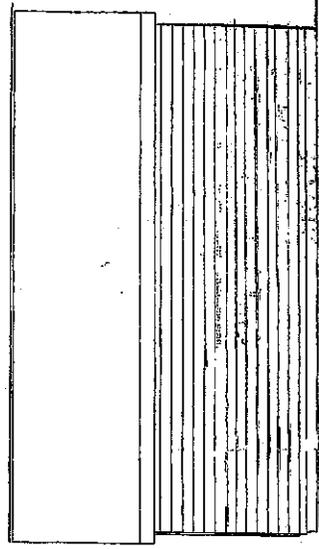


22'



22'

12' maximum height to midpoint of roof pitch per Zoning Code.

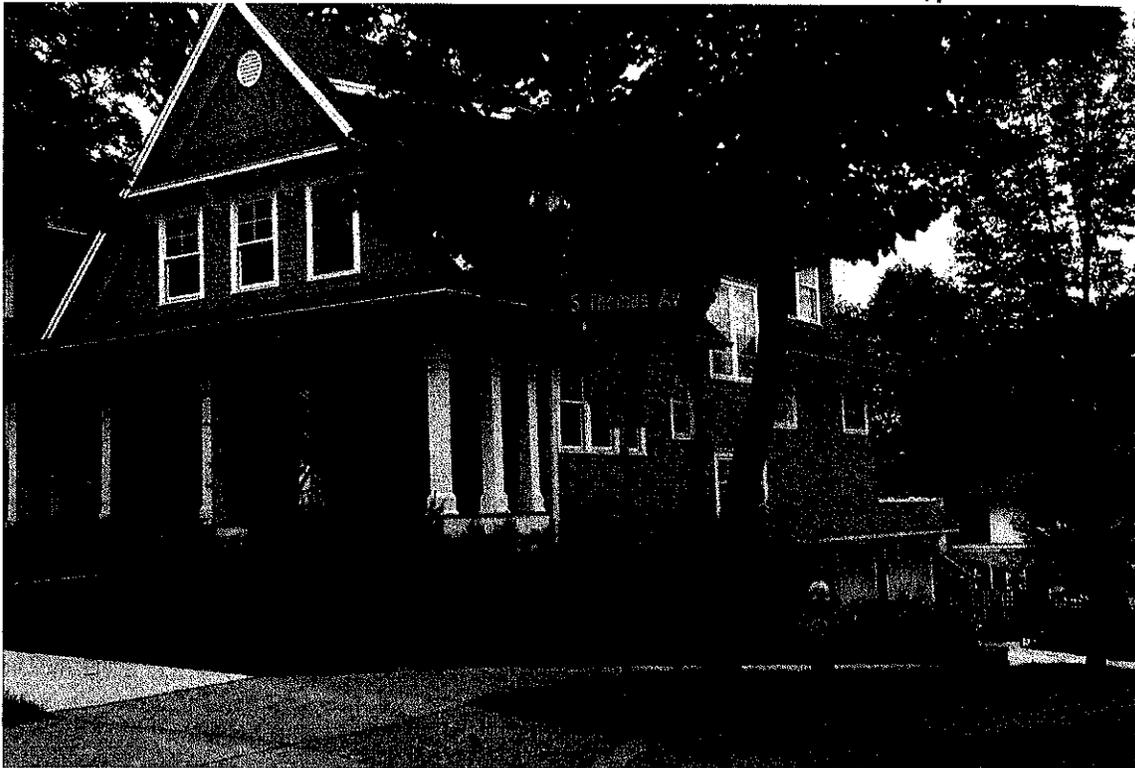


Maximum 676 square foot area for detached accessory structures per Zoning Code. Includes total areas of all sheds and garage.

3828 40th St. Setback Example



38th & Thomas Reverse Corner Example



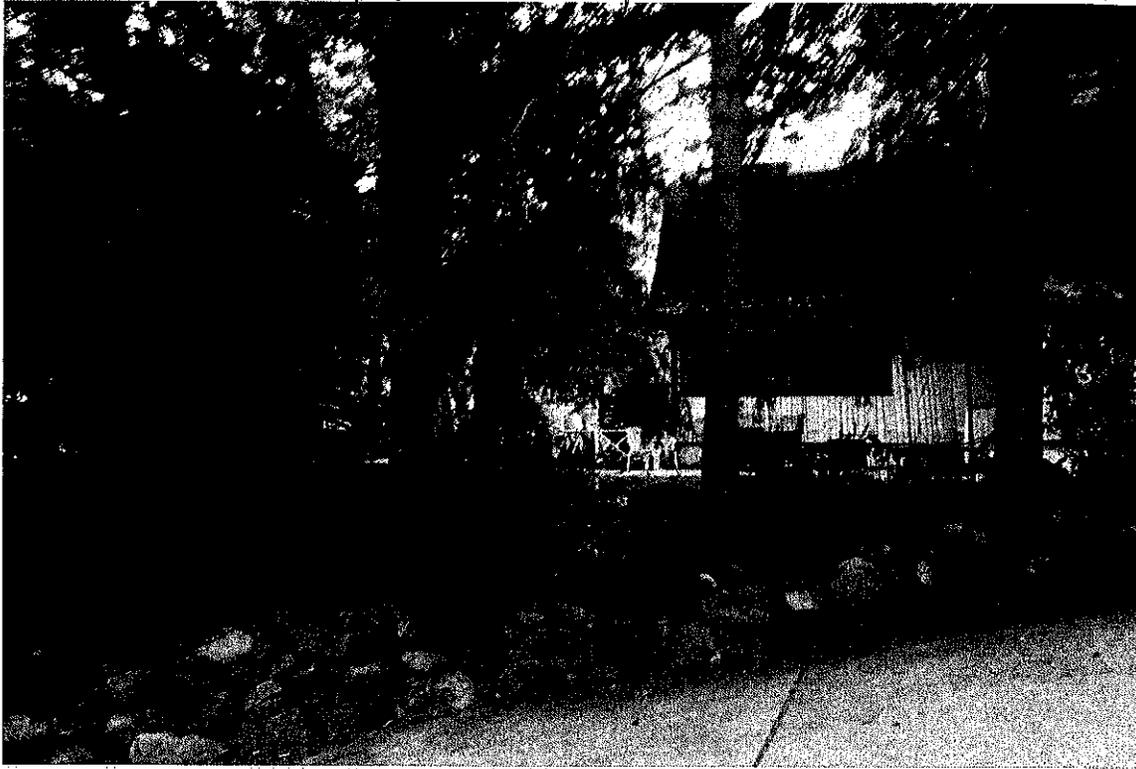
3940 Thomas Wall & screening at Alley



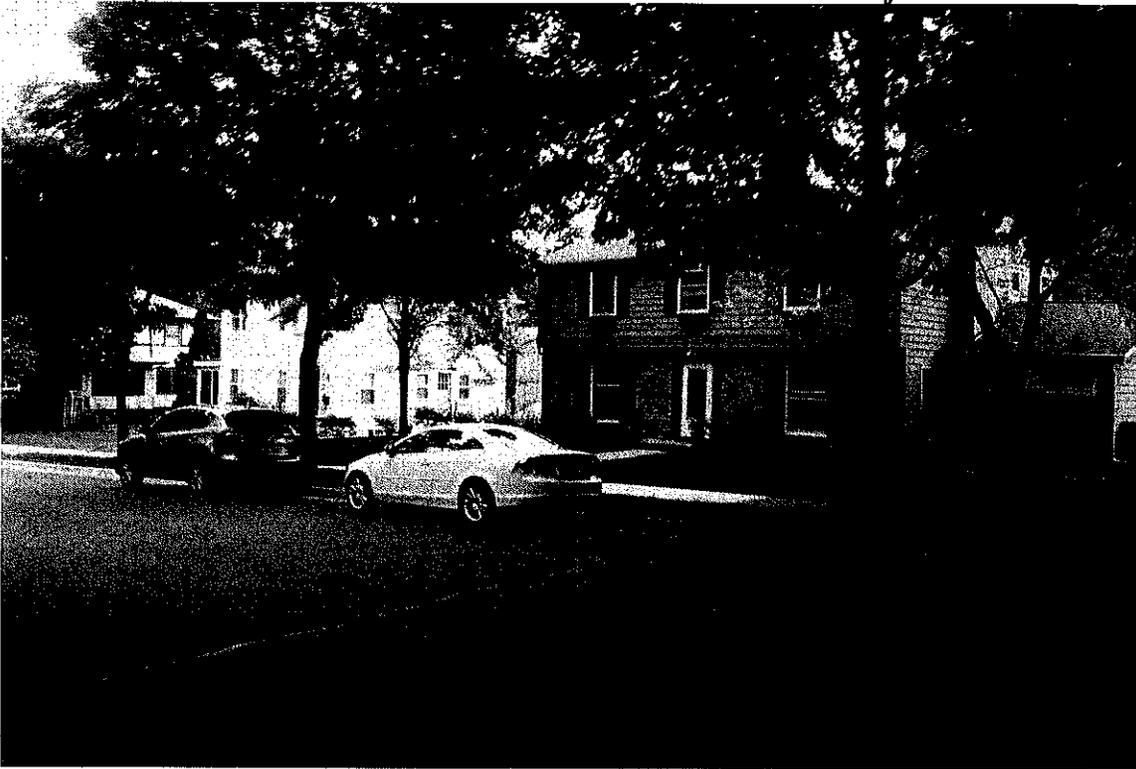
3932 Thomas Access at Alley



View through driveway to 3940 Thomas



Typical setbacks to homes North of 3940 Thomas



2618 ~~THOMAS~~ 40th Street across Thomas from 3940



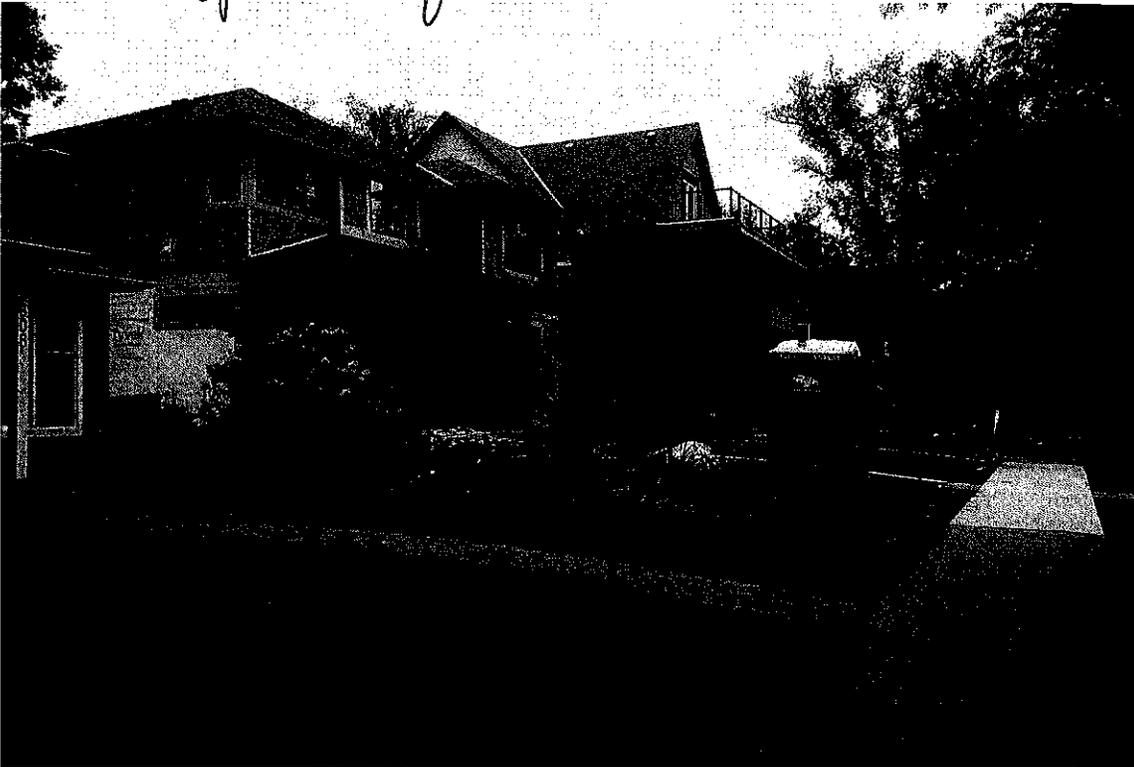
3940 Thomas Wall preserved for new lot



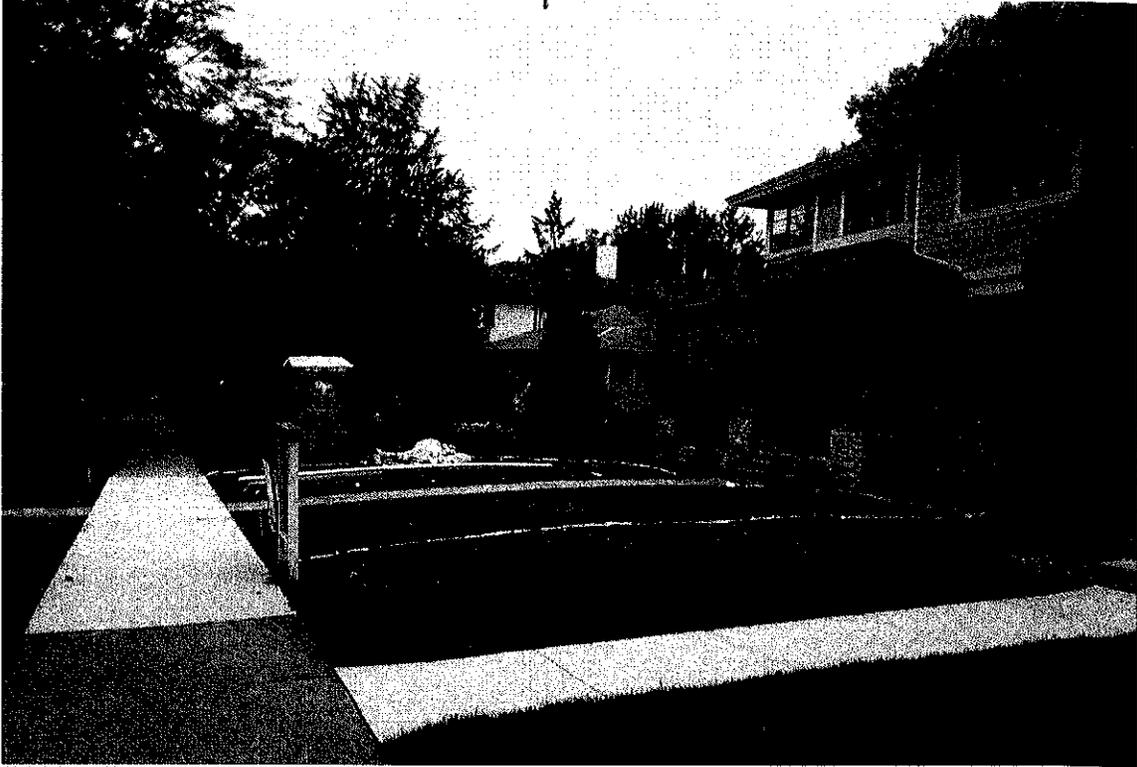
2618 40th St Reverse Corner Side Setback



Streetscape East of 2618 40th Street



street view west along 40th Street. 25' setbacks



40th Street looking East to Sheridan Intersection



Intersection Thomas and 40th Street view to 3940 Thomas



2647 40th Street across from 3940 Thomas



3940 Thomas Ave home for remodel



view to 3940 Thomas Addition area. (Topped tree)



3940 Thomas Open lot area



3940 Side Elevation looking west



View & Screening looking South along Thomas Ave



Typical Reverse Corner lot within 2 Blocks



3932 Thomas Ave Across alley from 3940



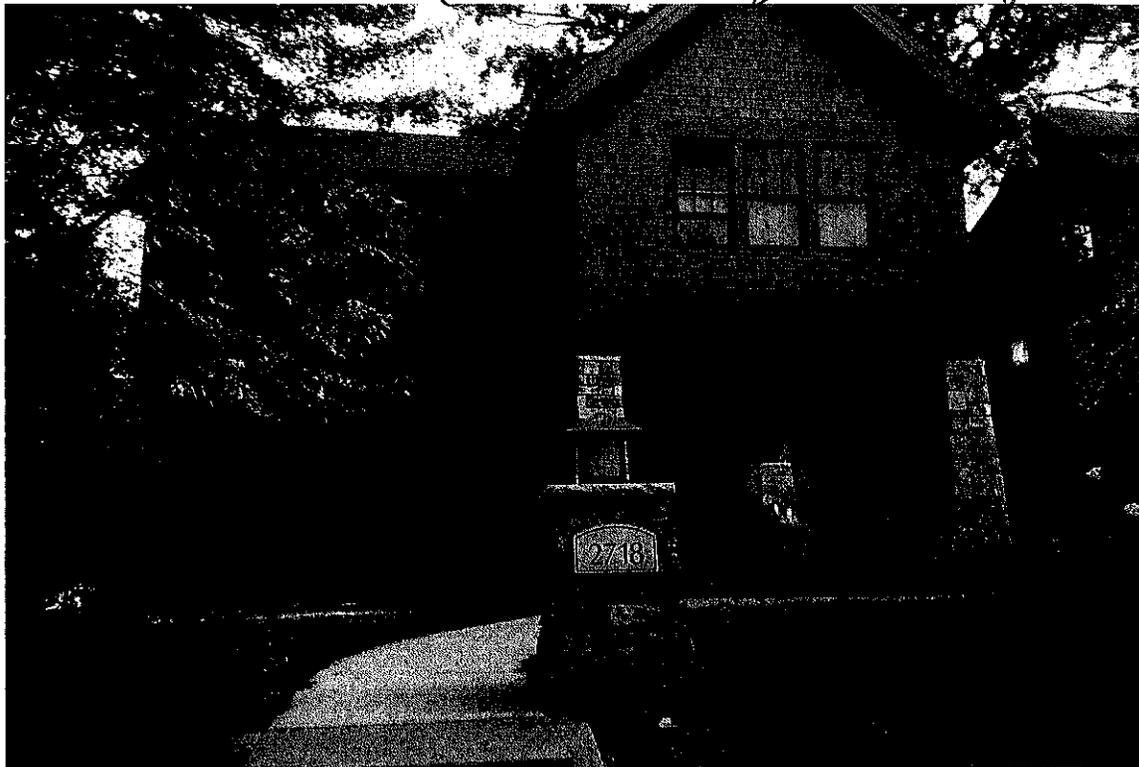
View South along remodel facade of 3940 Thomas



40th St.
2712 ~~THAMES~~ with screening plants to East



2718 40th Street (John Werler) variance granted



John Werler 2718 40th St Upton Ave Side Setback



2718 40th St side yard wall at Alley & Upton



2627 40th Street Thomas Ave Setback



2627 40th Street entry. (Across St. from 3940 Thomas)



Side Yard of 3940 along Thomas Sidewalk



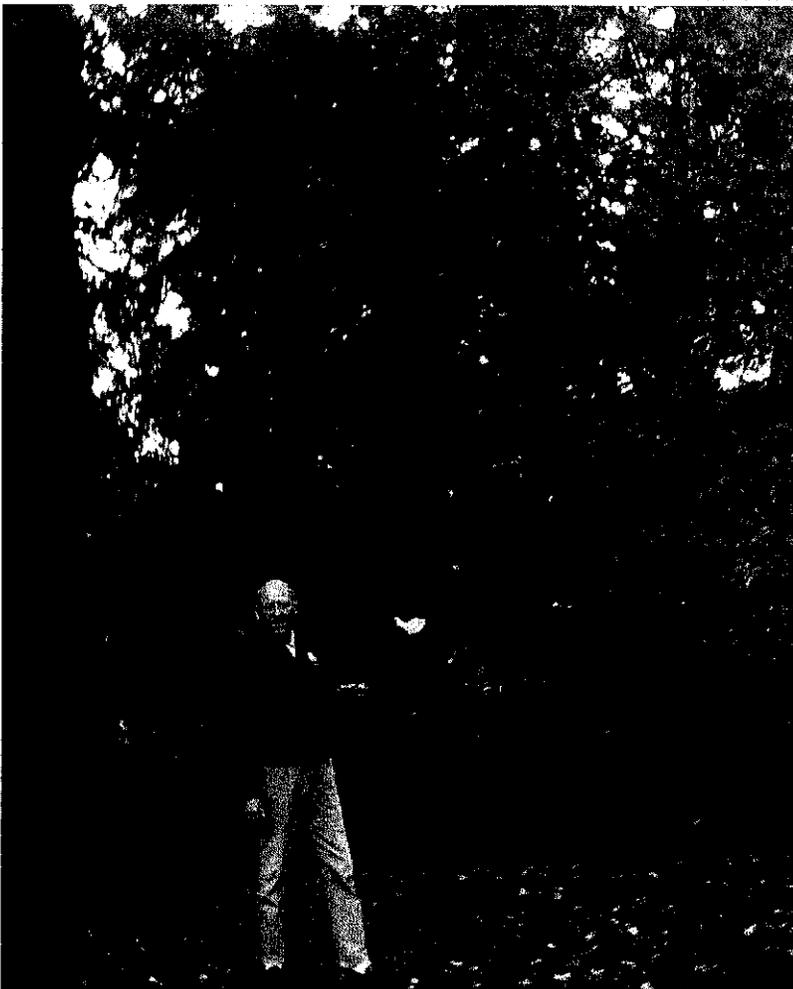
From: Mary Nagle mary@storiecompany.com
Subject: Pictures
Date: September 26, 2014 at 9:28 AM
To: Don Jensen donaldj@lwestdev.com

From front of house on west side. On property line with 2714 W. 40th street.



3940 Thomas Screening to West to Remain

From: Mary Nagle mary@storlife.com
Subject: Same area property line 2714 W. 40th
Date: September 26, 2014 at 9:29 AM
To: Don Jensen donaldj@westdev.com



Bill is 5'8" next to cedars on 3940 Thomas

From: Mary Nagle mary@storliecompany.com
Subject: View from 2618 W 40th street (Hans)
Date: September 26, 2014 at 9:32 AM
To: Don Jensen donaldj@westdev.com
Cc: Bill Storlie bill@storliecompany.com, Mary Nagle mary@storliecompany.com

Plant Screening near 3940 Thomas Alley



Sept. 15, 2014

Linden Hills Neighborhood Council & City Of Minneapolis

Subject 3940 Thomas Ave. So. Minneapolis

Our goal is to move on to the next step in our life.

We have enjoyed living on the corner of 40th and Thomas for many years, and we are staying in the area.

As a third generation Linden Hills resident, born around the corner on 4020 Vincent. I have spent the majority of my adult life on the corner of 40th and Thomas. My wife and I have seen a vast number of changes in our neighborhood. Especially in the last 5 years.

My family was forced to leave the Linden Hills neighborhood back in 1969 (my senior year) when my Mother suffered a stroke and could no longer go up and down the stairs of our 3 story home on Linden Hills Blvd.

Having said that, I feel having a ground level bedroom in our proposed remodel would be some thing any new home owner would certainly like to have available for family members or friends with such special needs.

When Mary and I first purchased the property we knew that we would probably eventually be able to split our 4 lots in to two separate lots as we are proposing today upon entering into retirement. What we are proposing is a similar frame as others in the neighborhood. We are asking for the same buildable opportunity as others in the neighborhood.

After looking around our neighborhood, we see a number of setbacks in the 11 - 12 foot range, and many neighbors both across the street and ally from us. As well as the neighbor on the opposite corner (one house over to the west) that have applied for and received a similar variance to the one we are requesting today.

Our lot provides our neighbors with a natural barrier of protection separating our house from them with an array of mature oak trees, arborvitaes, cedar, and pine trees, along with a field stone wall, and therefore are able to continue to enjoy these same amenities in the future with a new reasonable sized home. We don't think we should be penalized.

We appreciate your favorable consideration on this matter.

Thank you,

Bill Storlie and Mary Nagle

John P Werler
2718 west 40th street
Minneapolis, Minnesota 55410
612-925-6299
John@werler.com

09/09/2014

Zoning Board of Adjustments
City Planner
Zoning Administration
250 South 4th Street- room 300
Minneapolis, Minnesota 55415
Attn: Chris Vrchota

Re: Application for lot split and subsequent variances for 3940 Thomas Ave. So.

Dear Zoning Board of Adjustments:

It has come to my attention that Bill Storlie and his wife Mary Nagle are planning to sell their home and property at 3940 Thomas S. to Lake West Development with plans to split the lot contingent upon the city granting several set back variances to West 40th street and Thomas Ave. I have seen the plans and proposed set back dimensions for the existing dwelling renovation and new house to the east. My wife and I find the west 40th street encroachments to be unacceptable. The site lines for us while in our front yard will be severely diminished as will the characteristics of the block due to the requested 22' and 19' set backs off 40th street. There are currently no dwellings inside of a 25' setback from Sheridan Ave. to Vincent Ave. on the north side of 40th street. In 2000 my wife and I requested and were granted a variance for a decreased setback for an addition to the front of our house. We were limited to a 28' setback and only if the front porch was left open.

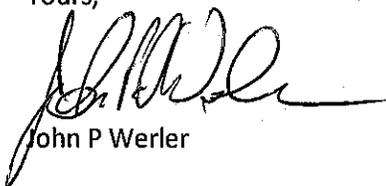
In considering my variance in 2001, I was required to increase the setback from 26' to 28' which would allow us to meet zoning regulation 546.160(b), (Yard requirements). It seems to me that the zoning board and affected neighboring property owners that had restricted our setback request should have the same validity in restricting Mr. Storlie's and keep it too no less than the current average setback of the 40th street block. This seems to be the most equitable solution for all on West 40th street.

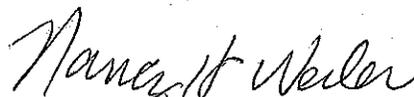
Mr. Storlie has had is property on the market for a year and apparently priced beyond what the market would allow and now is trying to achieve his sell price by splitting the lot and leaving us with a less desirable and diminished value in our home.

Your serious consideration in this matter is greatly appreciated.

Thank You:

Yours,


John P Werler


Nancy Werler

Kurt Pollack & Marybeth Colbert
2712 40th Street West
Minneapolis, MN 55410
612-925-1555
kurt_pollack@yahoo.com

September 11, 2014

Zoning Board of Adjustments
City Planner
Zoning Administration
250 S 4th Street - Room 300
Minneapolis, MN 55415
Attn: Chris Vrchota

Dear Zoning Board of Adjustments,

We have met with our neighbors, Bill Storlie and Mary Nagle, regarding their desire to split their property and build another home on the new lot, as well as remodel the existing home at 3940 Thomas Ave S.

After careful consideration, we would like to log our firm opposition to the variances requested. We are the nearest neighbors of this lot, owning the adjacent property (2712 40th St W), and thus the individuals most directly impacted by the proposal.

Our strongest objections to this work are to the set-backs of the 2 houses on 40th Street West (both the new house, and remodeling of the existing home). The proposed developments clearly show a setback much closer than the existing property, our property (2712 40th St W) or our neighbors (John & Nancy Werler, 2718 40th St W), as well as almost every house facing 40th Street. Allowing a set-back variance here will alter the essential character of the locality, and encroach on our property. The area would not retain its current charm and grace.

We've invested considerably in making improvements in our home, including a major kitchen renovation a few years ago, and an attic and window renovation that is currently wrapping up. We have made these improvements in such a manner as to not alter the footprint of our house, nor require any variances, and we would request that our

neighbors and their developers would treat the character of the neighborhood with equal respect.

Finally, it is my understanding that this variance is being proposed solely for economic considerations. The house in question has been on the market for more than 14 months, and instead of bringing the price into alignment with the market, the owners have determined that sub-dividing is more profitable. They have no interest in the property beyond their monetary gain. Since the current owners are no longer in residence at the property, they will not be living with the consequences of their actions. We, as owners-in-residence, will.

Please reject this variance request.

Sincerely,



Kurt Pollack and Marybeth Colbert



September 24, 2014

Christopher Vrchota, City Planner
Department of Community Planning &
Economic Development - Planning Division
250 S. 4th St. Room 300,
Minneapolis, MN 55415

Re: LHINC Zoning Committee September Meeting: 3940 Thomas Ave S

Dear Mr. Vrchota,

Please be advised of the considerations of the Linden Hills Zoning Committee at its September 15, 2014 meeting, respectfully submitted on behalf of Larry LaVercombe, Zoning Committee Chair.

The Committee voted unanimously to *Not Oppose* the variances requested for the lot split at 3940 Thomas Ave S, and the reduction to established setback along Thomas Ave from 37.8 feet to 16 feet. The Committee recommends that plans be revised to reflect 29 foot setbacks for the two resulting parcels, in order to maintain consistency with existing homes on the block.

Several neighbors of the property were in attendance and spoke at length against the lot split, the reduced setback areas sought by the project, and the open front porch. The developer agreed to redraft the plans to reflect a 29 foot setback for the two parcels, and to remove the front porch from the current drawings to alleviate confusion as the project is being reviewed.

Please contact me if you have any questions.

Regards,

A handwritten signature in black ink, appearing to read "CP", is written over a circular stamp or watermark.

Christy Prediger
Linden Hills Neighborhood Coordinator
(612) 481-5574

cc: Larry LaVercombe, Zoning Committee Chair
Donald Jensen, Lakewest Development LLC
Bill Storlie, property owner, 3940 Thomas Ave S

October 6, 2014,2014

Christopher Vrchota City Planer
Department of Community Planning & Economic Development- Planning Division
250 South 4th Street Room 300,
Minneapolis, Mn. 55415

Dear Mr. Vrchota and esteemed members of the board.

My wife Mary and I are the owners of the property at 3940 Thomas Ave. S. (Corner of 40th and Thomas). On the Sept. 15th LHNC meeting we respectfully submitted our proposed lot split to the Linden Hills Zoning Committee on behalf of Larry LaVercombe, Zoning Committee Chair .

The Committee voted unanimously to Not Oppose the variances requested for the lot split at the corner of 3940 Thomas and the reduction to established setback along Thomas Ave from 37.8 feet to 16 feet. The Committee recommends that plans be revised to reflect 29 foot setbacks facing 40th street for the two resulting parcels, in order to maintain consistency with existing homes on the block. Three neighbors were in attendance and voiced concerns and opposition to any lot split to the requested variances. The developer agreed to redraft the drawings to reflect a 29 foot front yard setback for the two parcels, and remove the front porches from present plans.

Through the course of the meeting, things went back and forth between the neighbors being ok with this project, however in the end the 3 in attendance said they would oppose it. However LHNC voted unanimously to NOT OPPOSE this project.

What we are asking for on our variances are no different then what some of our neighbors have already asked for and received from your department in the past. The LHNC responded consistently with past applications, and we just ask City staff for the same fair, and not arbitrary decision making thru the approval process. We would be maintaining consistency with the existing sight lines of the homes on the block and elsewhere in our neighborhood. We feel that taking our rights away (lot split denial) is not a fair option. If you limit us on our property, we would be the exception to the rule, and it would be arbitrarily more restrictive then the balance of the area, merely because we chose to maintain the property in its current condition longer then others.

When we bought the property we always presumed we or future owners could do reasonable additions, as the property is on 4 lots, we always presumed the city would allow new construction on the corner when the time arrived. Seeing what is happening in the neighborhood now, we believe that time is NOW.

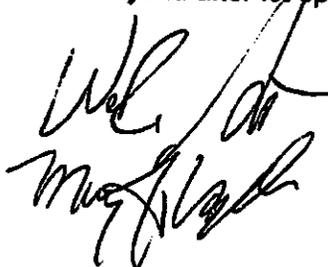
Please see enclosed photos of the property, clearly showing how the entire property is completely surrounded with tall mature trees on virtually all perimeter property lines around throughout the property. There will still continue to be privacy for our neighbors to the west (2 of the 3 that opposed the lot split) and they will continue to have difficulty seeing the existing house or the new one.

Therefore to summarize the above.

1. Unanimous approval from Linden Hills Neighborhood Council
2. Requested variances are same as neighbors have received.
3. Redrafted plans for neighbors per their request
4. Just asking for fairness
5. Request for lot split is on 4 lots for 2 homes.
6. *Note Both homes are now and will be screened by dense mature tree cover providing our neighbors privacy that will continue in the future and beyond after lot split (see photos).

Thank you for your kind consideration.

Sincerely,
Mary J. Nagle & William R. Storlie



Vrchota, Christopher A.

From: Pete Lehner <plehner@lindsaygroup.com>
Sent: Wednesday, October 15, 2014 2:36 PM
To: Vrchota, Christopher A.
Cc: Pete Lehner
Subject: RE: 3940 THOMAS AVE S. VARIANCE APPLICATION

Importance: High

Owner is in full support of all variance requests relating to 3940 Thomas Avenue South, Mpls.

Respectfully submitted,

Pete Lehner
For Owner of 2612 W. 40th St., Mpls