



# CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #4  
 March 26, 2015  
 BZZ-7015

## LAND USE APPLICATION SUMMARY

*Property Location:* 1601 Marshall Street Northeast  
*Project Name:* 1601 Marshall Street Northeast – Variances for New Construction  
*Prepared By:* [Andrew Liska](#), City Planner, 612.673.2264  
*Applicant:* Richard Webb  
*Project Contact:* Richard Webb  
*Request:* Variances to construct a new two-family dwelling.  
*Required Applications:*

<b>Variance</b>	To reduce the minimum lot size in R2B zoning district for the construction of a two-family dwelling
<b>Variance</b>	To reduce the established front yard along Marshall Street NE on a reverse corner lot
<b>Variance</b>	To reduce the required front yard along 16th Avenue NE on a reverse corner lot
<b>Variance</b>	To reduce the required front yard along 16th Avenue NE on a reverse corner lot for a deck

## SITE DATA

<b>Existing Zoning</b>	R2B District; MR Overlay District
<b>Lot Area</b>	9,033 square feet
<b>Ward(s)</b>	3
<b>Neighborhood(s)</b>	Sheridan
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	N/A
<b>Small Area Plan(s)</b>	N/A

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The subject property is zoned R2B and is a reverse corner lot that measures approximately 54 feet by 167 feet (9,033 square feet). A one story single-family residence occupies this site. A detached garage is located to the rear and is accessed from 16<sup>th</sup> Avenue NE.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** To the west, there are several industrial uses and railroad right-of-way along Marshall Street NE. To the east, there is a two story, single-family dwelling with a front yard setback from 16th Avenue NE of approximately 12 feet. To the north, there is a two story, single-family dwelling with a front yard setback from Marshall Street NE of

<b>Date Application Deemed Complete</b>	March 4, 2015	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	May 3, 2015	<b>End of 120-Day Decision Period</b>	N/A

approximately 36 feet. To the south, there is a two and one half story, single-family dwelling and a two story, two-family dwelling.

Surrounding properties compose a diverse combination of zoning districts and uses including single-family dwellings, two-family dwellings, and multi-family apartments, along with several commercial and industrial uses all within the immediate vicinity of the proposed project.

**PROJECT DESCRIPTION.** The applicant is seeking to build a two story, two-family dwelling with a detached garage. The proposal shows side by side units with each having separate access to the basement, main floor, and upper floor. The proposal meets setbacks for the north interior side lot line and the east rear lot line. As proposed, the project requires variances for the front yard along Marshall Street NE and the front yard along 16<sup>th</sup> Avenue NE and the minimum lot size for the construction of a new two-family dwelling in the R2B Zoning District.

**PUBLIC COMMENTS.** As of writing this staff report, staff has not received any correspondence from the Sheridan Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**ZONING ANALYSIS.** An analysis indicates that the proposed dwelling meets the Design Standard points for new 1-4 dwelling units. Seventeen points are the minimum point total needed for approval and this proposal received 20 out of 27 possible points for the following design standards:

- The exterior building materials are masonry, brick, stone, stucco, wood, cement-board siding, and/or glass (6 points);
- The height of the structure is within one-half story of the predominant height of residential buildings within one hundred (100) feet of the site (4 points);
- The total diameter of trees retained or planted equals not less than three (3) inches per one thousand square feet of total lot area, or fraction thereof. Tree diameter shall be measured at four and one-half (4.5) feet above grade (4 points);
- Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows (3 points);
- The structure includes a basement as defined by the building code (3 points);

## ANALYSIS

### VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of Chapter 525, Article IX Variances, specifically Section 525.520(2)(b) “To vary the lot area or lot width requirements up to thirty (30) percent,” 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.*

The circumstance upon which the variance is requested is unique to the parcel of land. The applicant is seeking to reduce the minimum lot size of 10,000 square feet for the construction of a new two-family dwelling by 9.67%. This 9,033 square foot lot was not created by the applicant but rather by

the original platting and through a lot combination in or around 1974 that dissolved 35 16<sup>th</sup> Avenue NE and expanded 1601 and 1605 Marshall Street NE to the east.

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.*

The applicant is proposing to use the property in a reasonable matter consistent with the spirit and intent of the ordinance and the comprehensive plan. There are five lots within 300 feet of the subject property operating as multifamily dwellings. Of these, none of the parcels are as large as the proposed two-family project. The area around the subject property is a diverse mix of multi-family residential, single-family residential, commercial and industrial uses and the applicant is proposing a new two-family dwelling.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

The character of the area is a diverse mix of multi-family residential dwellings, single-family dwellings, industrial and commercial uses along with varying setbacks. The proposed project will blend appropriately and will not alter the character of the locality or be injurious to the use or enjoyment of other properties in the vicinity. Health, safety, and welfare of the general public will not be compromised if this variance is granted.

The Department of Community Planning and Economic Development has analyzed the application for a variance of Chapter 525, Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.” based on the following [findings](#):

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

**ALL VARIANCES:** The circumstances upon which the variances are requested are unique to the parcel of land. The parcel is a reverse corner lot and has two front yard setbacks; one an established line of thirty five (35) feet off of Marshall Street NE and one 20’ setback off of 16<sup>th</sup> Avenue NE. The applicant did not create this unique reverse corner lot.

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.*

The applicant is proposing to use the property in a reasonable manner and would be keeping with the spirit of the ordinance and the comprehensive plan. The intent of the ordinance regarding required yards is to encourage orderly development. If granted, the variances will not hinder orderly development nor will they create a conflict among land uses.

**MARSHALL ST NE:** The proposed structure is aligned to the property to the north on a north-south plane. The slight northwest angle of Marshall Street NE makes this proposed location in the established front yard, however; this alignment to the property to the north preserves the functioning and perceived front yard and does not disrupt orderly development.

**16<sup>TH</sup> AVENUE NE STRUCTURE:** The structure immediately to the east of the proposed project is setback twelve (12) feet. The proposed setback of this project is fifteen (15) feet, thus

three (3) feet behind the front of the existing structure. There would be no negative impact to the front yard and if granted, would result in more orderly design than adhering to district setbacks.

**16<sup>TH</sup> AVENUE NE DECK:** The proposed deck has a setback of eight and one half (8.5) feet from 16<sup>th</sup> Avenue NE. The deck will be used to access the property from the south and will be equal to or less than thirty (30) inches above grade in height. The low height of the deck combined with being over seventy-five (75) feet and across the alley from the neighboring property demonstrates this proposal is reasonable and would not disrupt orderly development.

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.*

**ALL VARIANCES:** The proposed variances will not alter the character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Health, safety, and welfare of the general public will not be compromised if these variances are granted. If approved, this mixed-use neighborhood will see increased density through two-family infill development while not negatively impacting surrounding properties.

## FINDINGS REQUIRED BY THE MINNEAPOLIS CODE FOR DEVELOPMENT IN THE MISSISSIPPI RIVER CRITICAL AREA OVERLAY DISTRICT

1. *Prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

**ALL VARIANCES:** Staff finds that the proposed project will prevent soil erosion by maintaining pervious areas and maintaining several trees that occupy the site. The proposed project will not adversely affect the water quality of the Mississippi River and must adhere to construction management guidelines per all new construction of new one-family and two-family dwellings.

2. *Limiting the visibility of structures and other development from protected waters.*

**ALL VARIANCES:** The proposed project is not located on or near the top of a steep slope, but is located within the MR Mississippi River Critical Area Overlay District. The proposed construction is located approximately 360 feet from the Mississippi River. The area between the Mississippi River and the subject property are industrial uses, railroad tracks, and a vegetated slope down to the river. Staff finds that the visibility of the proposed project will be obsolete as it is situated behind industrial buildings. The existing topography and natural vegetation and will appear as it has for many years. Any views of the property from Lake Harriet will be consistent with what has existed on this property for many years.

3. *The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.*

**ALL VARIANCES:** The subject property is located over 360 feet from the Mississippi River and does not have river access.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application(s) by Richard Webb for the property located at 1601 Marshall Street Northeast.

### **A. Variance to reduce the minimum lot area requirement for the construction of a two-family dwelling.**

Recommended motion: **Approve** the variance to reduce the minimum lot size for the construction of a new two-family dwelling in the R2B zoning district from 10,000 square feet to 9,033 square feet.

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by March 26, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**B. Variance to reduce the established front yard setback along Marshall Street Northeast on a reverse corner lot.**

Recommended motion: **Approve** the variance to reduce the established front yard setback from 35 feet to approximately 28 feet for the construction of a two-family dwelling.

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by March 26, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**C. Variance to reduce the front yard setback along 16<sup>th</sup> Avenue Northeast on a reverse corner lot.**

Recommended motion: **Approve** the variance to reduce the front yard setback from 20 feet to approximately 15 feet for the construction of new two-family dwelling.

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by March 26, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance

**D. Variance to reduce the required front yard setback along 16<sup>th</sup> Avenue Northeast on a reverse corner lot for a deck.**

Recommended motion: **Approve** the variance to reduce the front yard setback from 20 feet to approximately 8.5 feet for a deck.

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by March 26, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance
3. The deck is limited to 30" or less in overall height

**ATTACHMENTS**

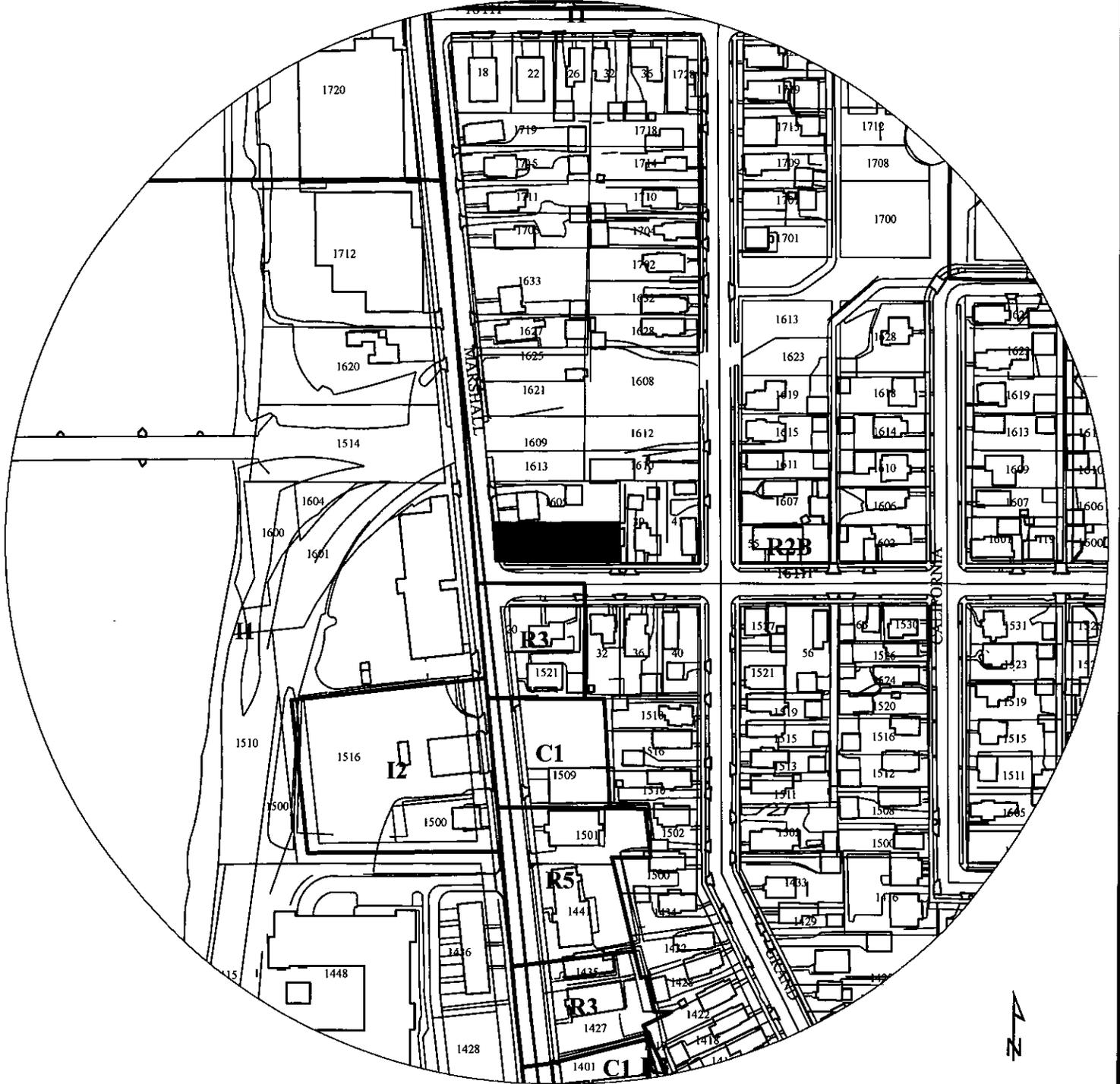
1. Zoning Map
2. Written description and findings submitted by applicant
3. Survey
4. Site Plan
5. Floor Plans
6. Building elevations
7. Garage Elevations
8. Photos
9. Correspondence

Richard Webb

3rd

NAME OF APPLICANT

WARD



PROPERTY ADDRESS  
1601 Marshall Street NE

FILE NUMBER  
**BZZ-7015**

Statement of proposed use for 1601 Marshall St NE, Minneapolis.

Currently there is a 1978 built single family home as well as a 2 garage on the lot.

We are proposing to completely remove both of the existing structures and foundations.

We are proposing to replace with new construction side by side twin home and a new 4 stall garage built to code. New building will be 2 stories with approx 1980 sq/ft foundation and the same on the 2<sup>nd</sup> story. Construction type will be corrugated metal, concrete and hardy board exterior.

## Variance

The first variance requested is that a reverse corner lot requires set back from 16<sup>th</sup> St to be further back than otherwise would (20 ft vs 8ft) . The biggest challenge falls that because the lot is a reverse corner lot on 2 sides which means we are losing 20 feet on one side, and 7 on the other, thus taking away almost ½.

1. The challenge faced is that because the parcel is a reverse corner lot different setbacks are required than otherwise would be. This lot is unique in the fact that because it sits on Marshall street facing the river-view and is zoned R2.
2. There are many single family and multi family homes in the surrounding area as well as commercial properties (see attached photos). What we are proposing would be attached single family units consistent with the neighborhood. It is unique because of location it is one of a few lots that could potentially have a river view (from 2<sup>nd</sup> level).
3. These buildings should not alter the essential character, safety, etc of the neighborhood. These newly constructed visually appealing homes will be quality constructed. They will adhere to all city code and we believe will be quite desirable to a new resident/owner. While they will be visually appealing, they will also offer very nice living spaces with river views. They will not extend on the Marshall or 16<sup>th</sup>, therefor should not bother, obstruct or injure any surrounding neighbors.

The second variance requested is the lot size. Currently statute states that you must have a lot size of 10,000 sq/ft to build 2 units on. This lot is 9033 sq/ft.

1. We can not control the size of the lot that we are working with and while it is not quite the 10,000 required, we do believe that the 9033 could be sufficient to build these homes as long as we as Developer and Builder are careful to limit the footprint of the new buildings.
2. There are many single family and multi family homes in the surrounding area, as well as commercial properties across the street (see attached photos) which may or may not adhere to current standards. These will be attached single family units consistent with the neighborhood with adequate green space, for exterior enjoyment.
3. The proposed buildings would be 2 story construction. It is a corner lot, so there is only 1 other house adjacent to it on Marshall street – which is also a 2 story. For this reason, we believe it will be consistent w/ neighborhood and would not negatively affect any of the surroundings.

The third variance requested is for the number of feet back it must be off of Marshall street. Because Marshall street bends (see survey) slightly East as you proceed South, it would normally require that the building be set at the further point back of the building to the North and 20 feet from Marshall Street.

1. Practical difficulty exists to this for 2 reason the first is that it is a reverse corner lot which requires a 20 foot setback. The second reason is the way that Marshall street bends slightly East as you are traveling South in front of this lot. For this reason, it pushes the required 20 feet further back into the lot at its most eastern point (see survey).
2. There are many single family and multi family homes in the surrounding area, as well as commercial properties across the street (see attached photos). These will be attached single family units consistent with the neighborhood with adequate green space, for exterior and neighborhood enjoyment.

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- 
3. The proposed buildings would be 2 story construction. It is a corner lot, so there is only 1 other house adjacent to it on Marshall street – which is also a 2 story. For this reason, we believe it will be consistent w/ neighborhood and would not negatively affect any of the surroundings.

**SH/ MR Variance Findings:**

*(1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

This property is across Marshall Street from the river, with Buildings in between it and the river - there would not be anyway anything could wash to water.

*(2) Limiting the visibility of structures and other development from protected waters.*

It is across the street and behind a commercial building from the water, there is currently a house on the lot right now, so it should not change visibility for anyone there.

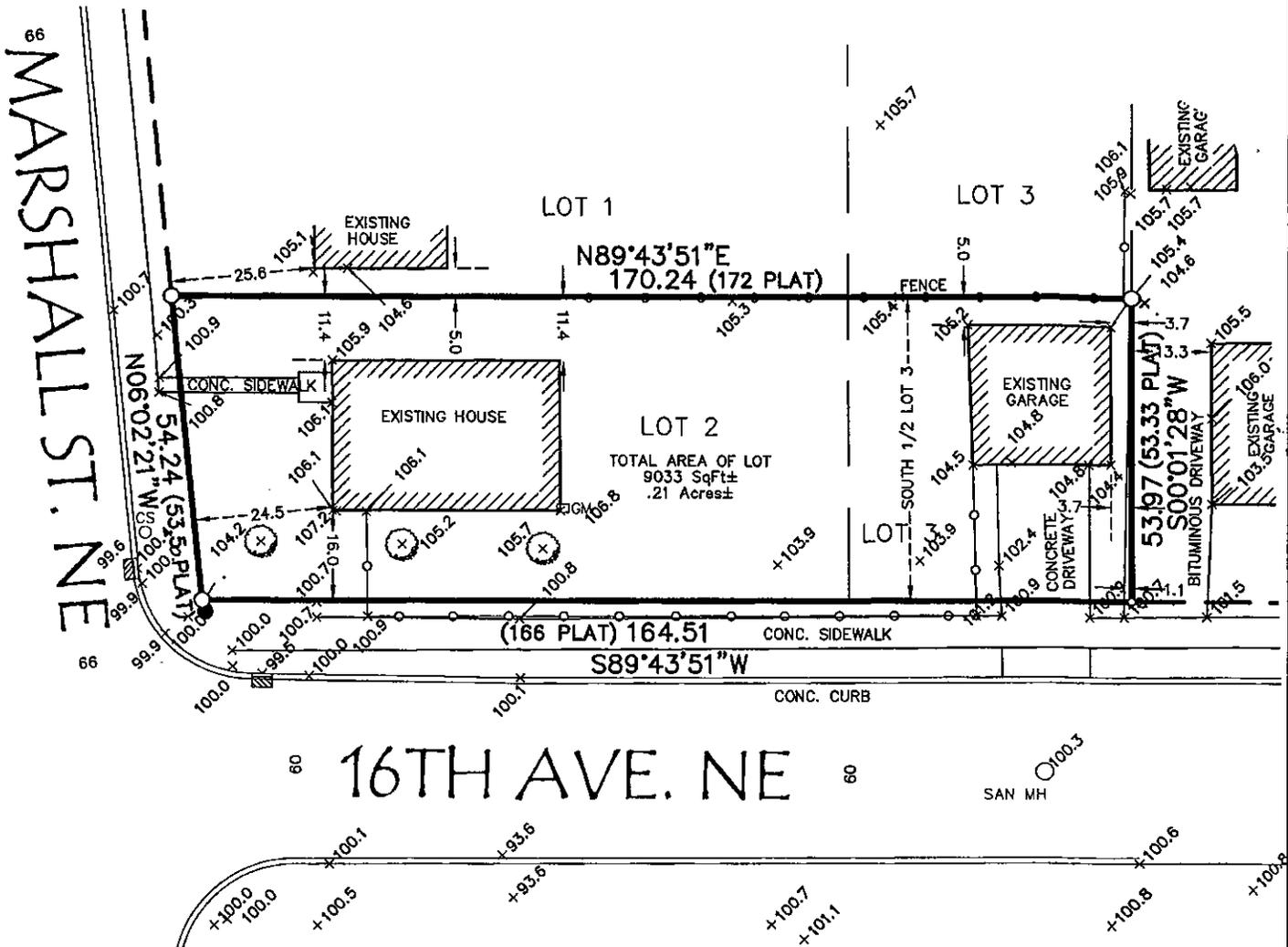
*(3) The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.*

There should be no additional watercrafts generated from this property, as there is no water access for these units.

# CERTIFICATE OF SURVEY FOR Walt Sentyrz

**PROPERTY ADDRESS**  
1601 Marshall St. NE  
Minneapolis, MN

**DESCRIPTION:** FROM TAX RECORDS  
Lot 2 and south 1/2 of Lot 3, Block 8,  
Orth and Hechtmans Addition to the City  
of St. Anthony, Hennepin County, Minnesota.  
Subject to easements of record, if any.



80 16TH AVE. NE 80

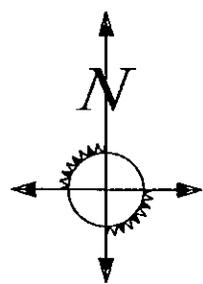
SAN MH

**LEGEND:**

- Denotes Iron monument found
- Denotes Iron monument set #47223
- Denotes PK nail set

**NOTES:**

Bearings are on assumed datum.  
Elevations are on assumed datum.



I hereby certify that this survey, plan 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.

*Theresa K. Foster*

Theresa K. Foster

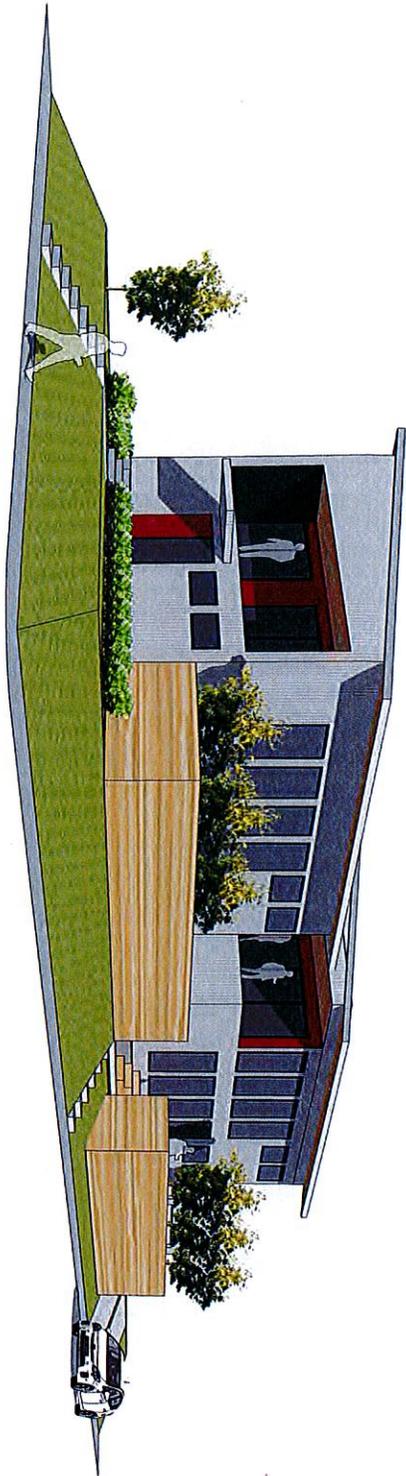
DATE 09/17/2014 LIC. NO. MN 47223



1440 Arcade St. Suite 250  
Saint Paul, MN 55106  
Phone: 651-766-0112  
Fax: 651-776-0206  
E-mail: info@mpasso.com

civil engineering, land surveying, site planning

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**CONCEPT SKETCH - VIEW FROM  
CORNER OF MARSHALL STREET  
AND 16TH AVENUE NE, LOOKING  
TOWARD NORTHEAST**

**(CONCEPT SKETCH SHOWN FOR REFERENCE ONLY - SEE PLANS  
AND ELEVATIONS FOR ACTUAL PROPOSED DESIGN)**

- A.0 - COVER SHEET**
- A.01 - SITE DEMO**
- A.1 - SITE PLAN**
- A.1 - BASEMENT PLAN**
- A.2 - FIRST FLOOR PLAN**
- A.3 - SECOND FLOOR PLAN**
- A.4 - ELEVATIONS**
- A.5 - ELEVATIONS**
- A.6 - GARAGE ELEVATIONS**

**1601 MARSHALL ST NE**

MINNEAPOLIS MN  
Scale  
Date 2/24/2015

**A.0**

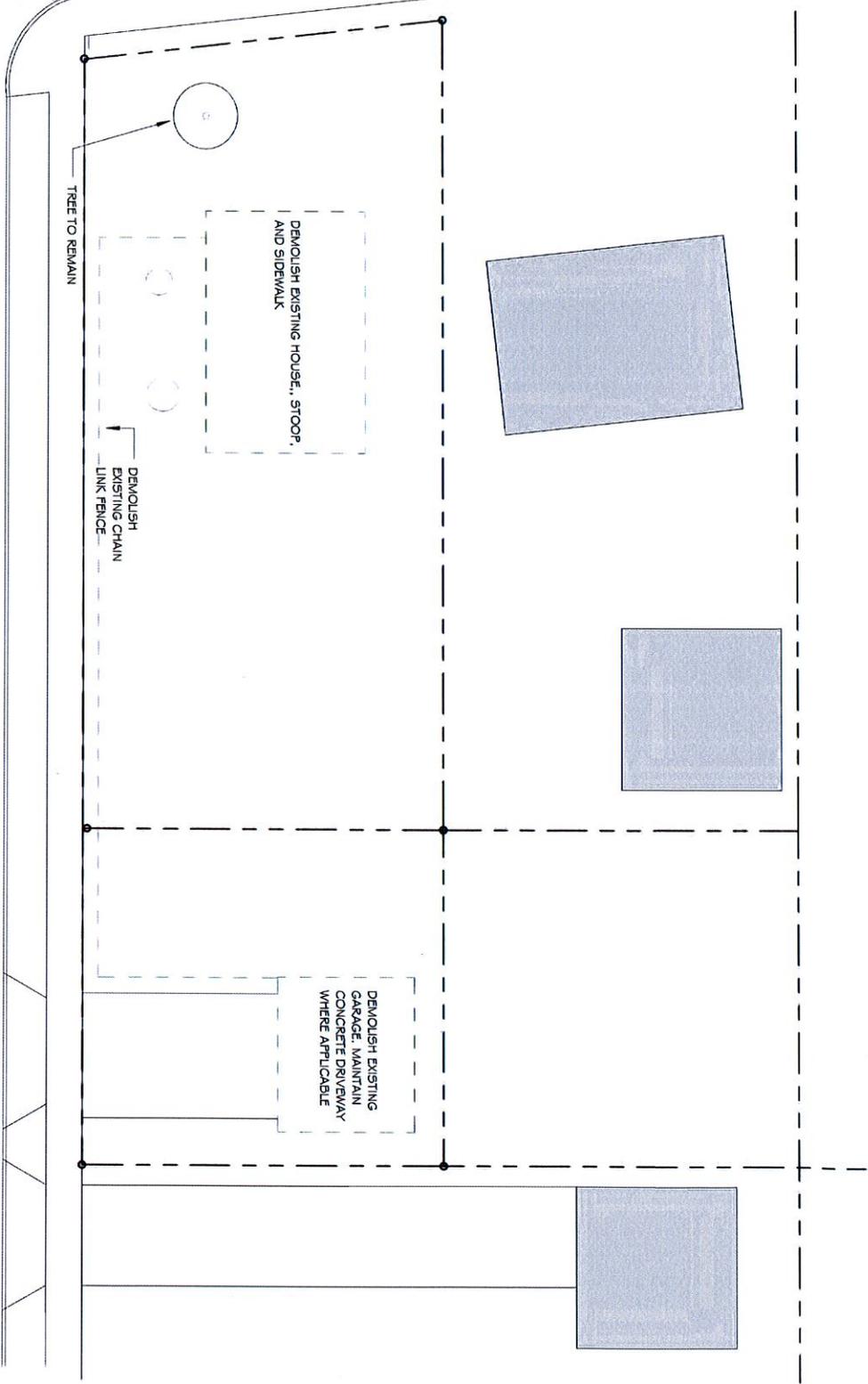


1

SITE DEMO  
SCALE: 1/16" = 1'-0"

16TH AVE. NE

MARSHALL STREET



DEMO SCHEMATIC

1601 MARSHALL ST NE

MINNEAPOLIS MN

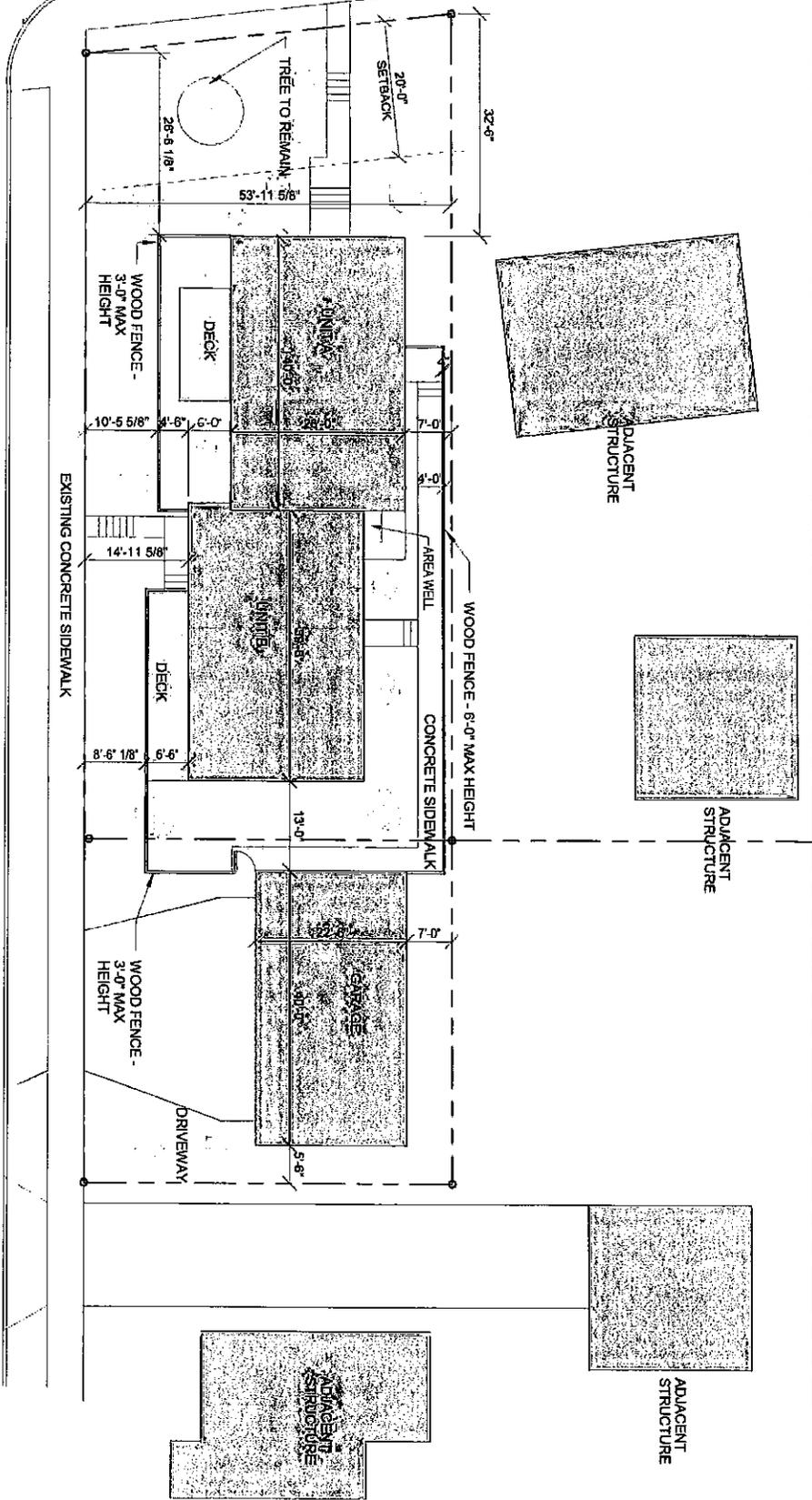
Scale 1/16" = 1'-0"

Date

PRELIMINARY DESIGN  
NOT FOR CONSTRUCTION

A.01

MARSHALL STREET



# 1 SITE PLAN

SCALE: 1/16" = 1'-0"

## 16TH AVE. NE

NOTE: NEW TREES INDICATED BY GREY HATCHED CIRCLES. MINIMUM TOTAL OF 30" TRUNK DIAMETERS TOTAL FOR NEW PLANTED TREES  
 2075 SF OF LOT COVERED BY HOUSE  
 800 SF OF LOT COVERED BY GARAGE  
 LOT APPROXIMATELY 5038 SF TOTAL

# A.1

## SITE PLAN

### 1601 MARSHALL ST NE

MINNEAPOLIS MN

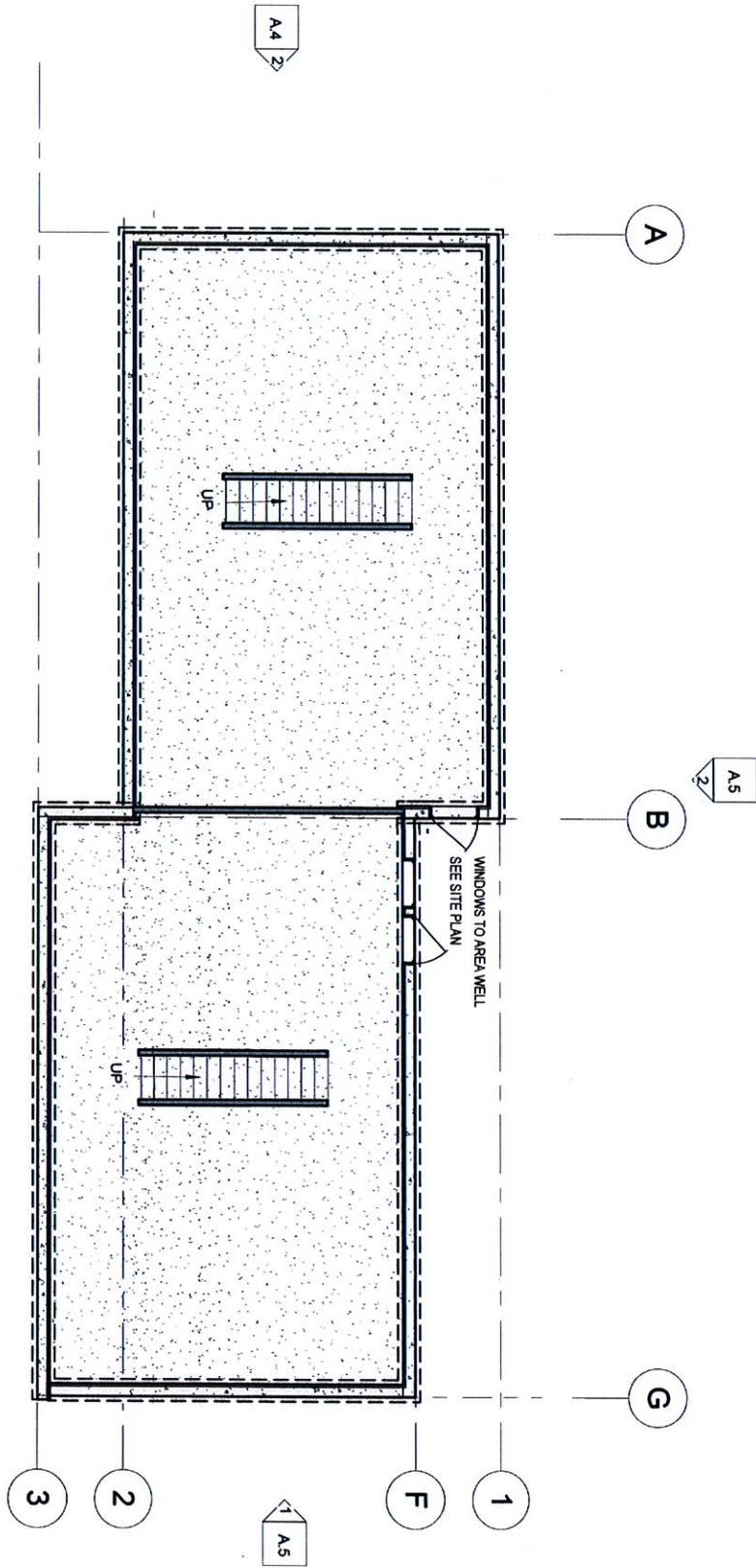
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Date

PRELIMINARY DESIGN  
NOT FOR CONSTRUCTION

# 1 BASEMENT PLAN

SCALE: 1/8" = 1'-0"



A.1.5

BASEMENT PLAN

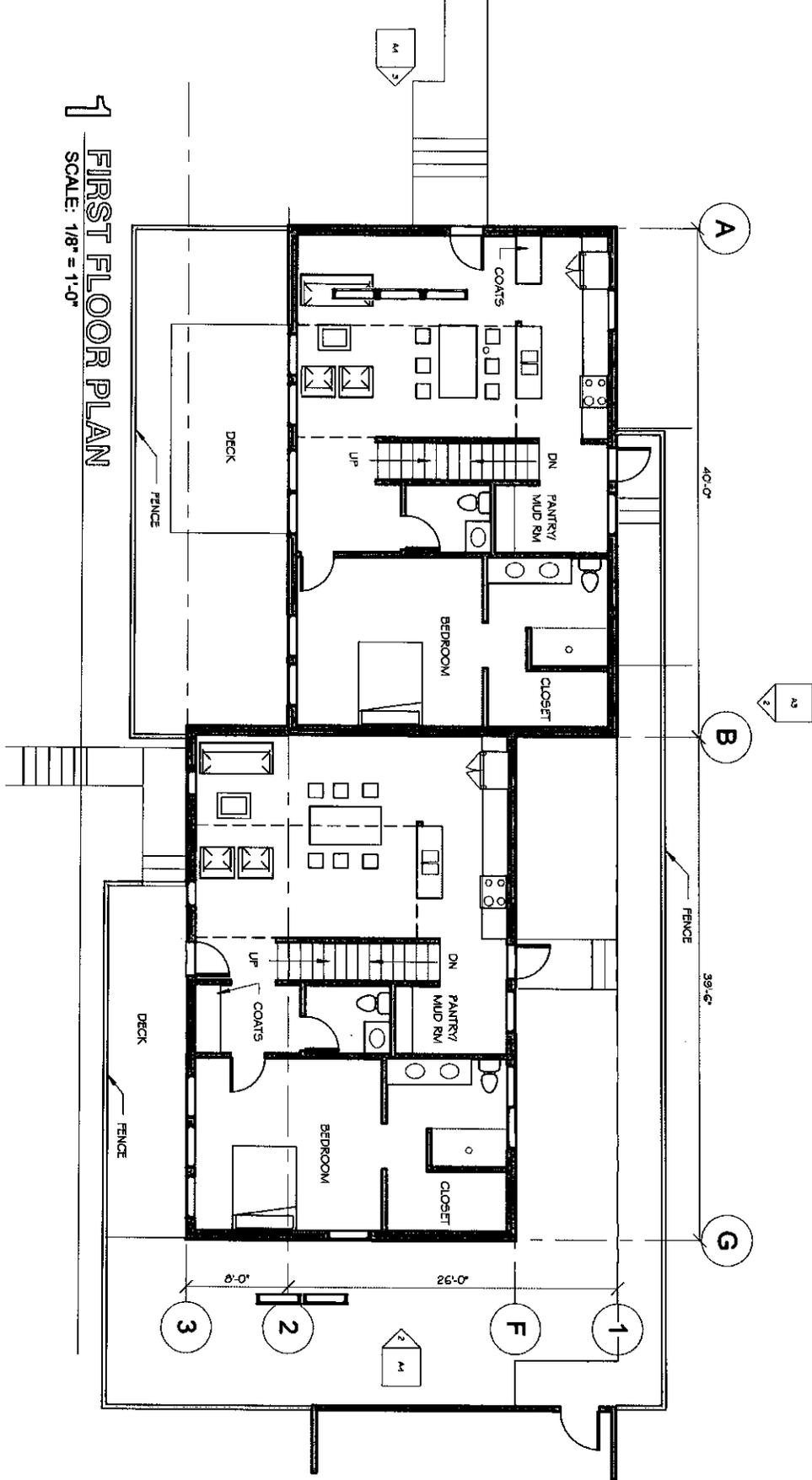
1601 MARSHALL ST NE

MINNEAPOLIS MN  
 Scale 1/8" = 1'-0"  
 Date

PRELIMINARY DESIGN  
 NOT FOR CONSTRUCTION

# FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



A.2

FIRST FLOOR PLAN

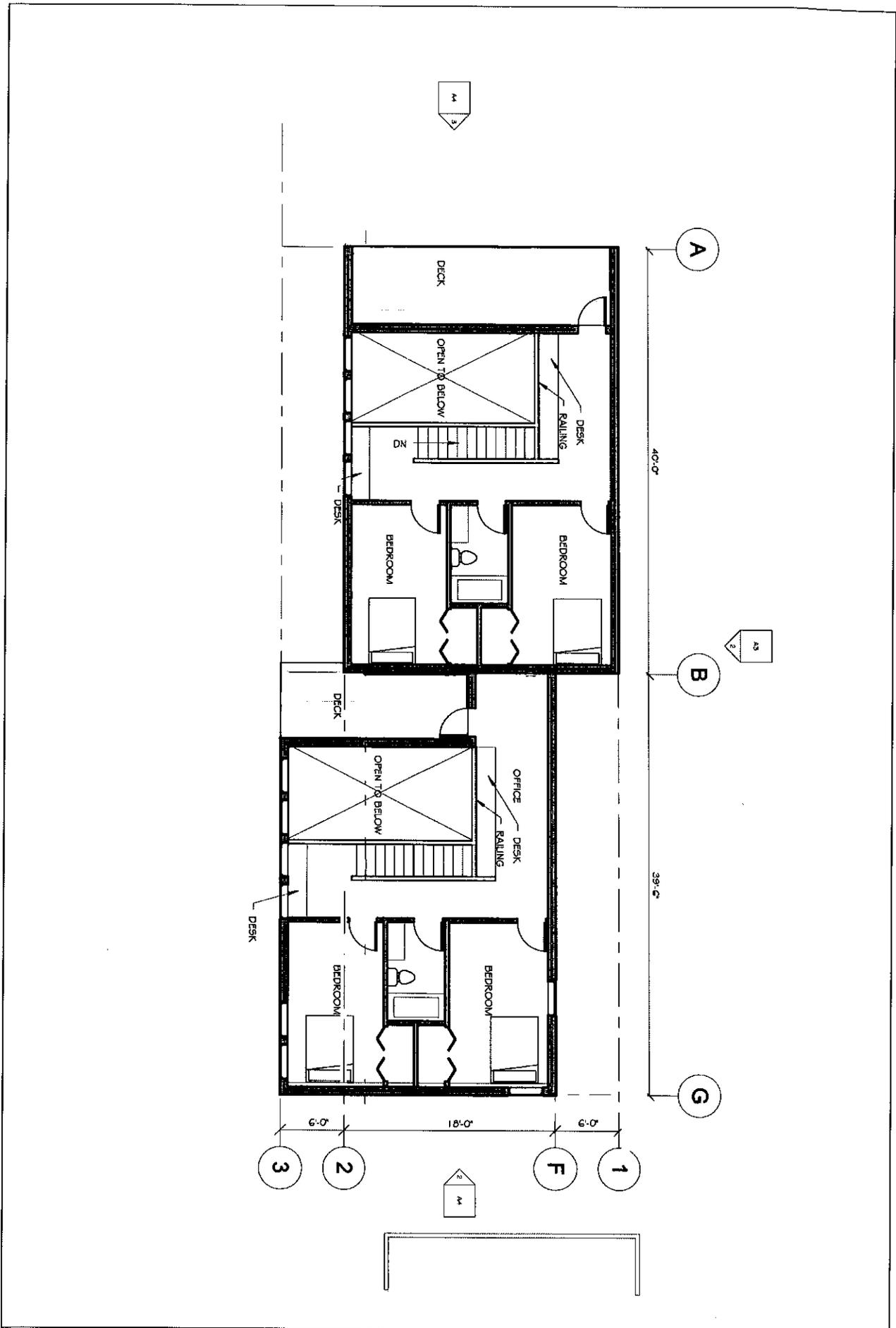
1601 MARSHALL ST NE

MINNEAPOLIS MN

Scale 1/8" = 1'-0"

Date

NOT FOR CONSTRUCTION



**A.3**

**SECOND FLOOR**

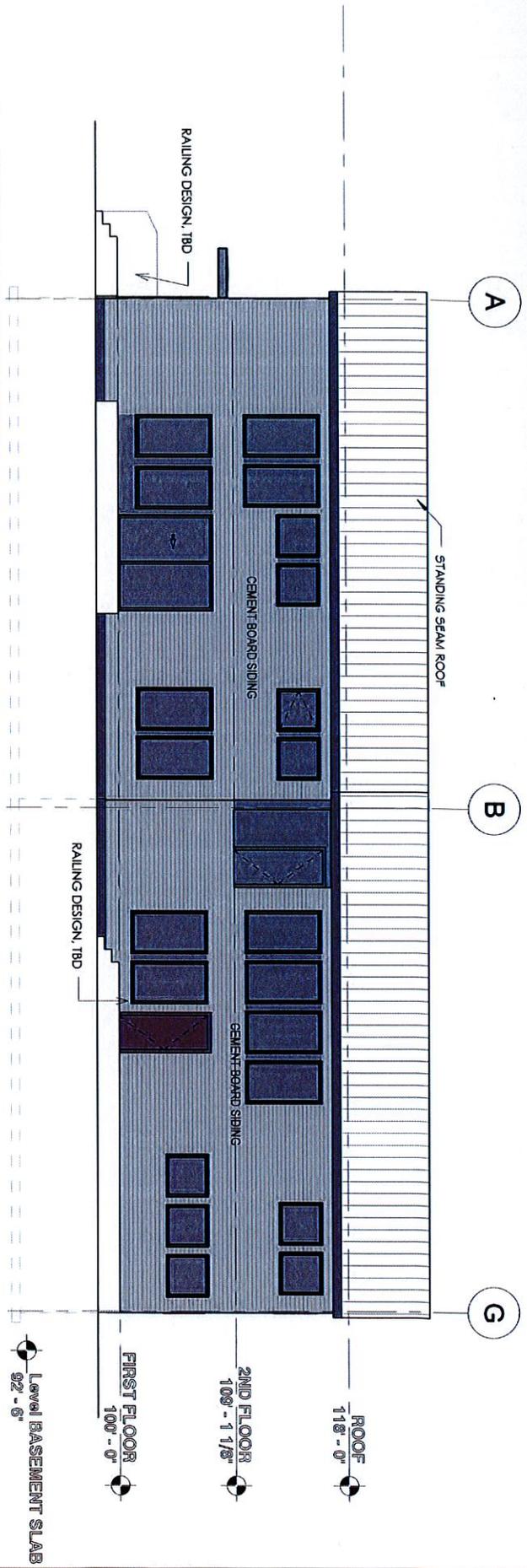
**1601 MARSHALL ST NE**

MINNEAPOLIS MN

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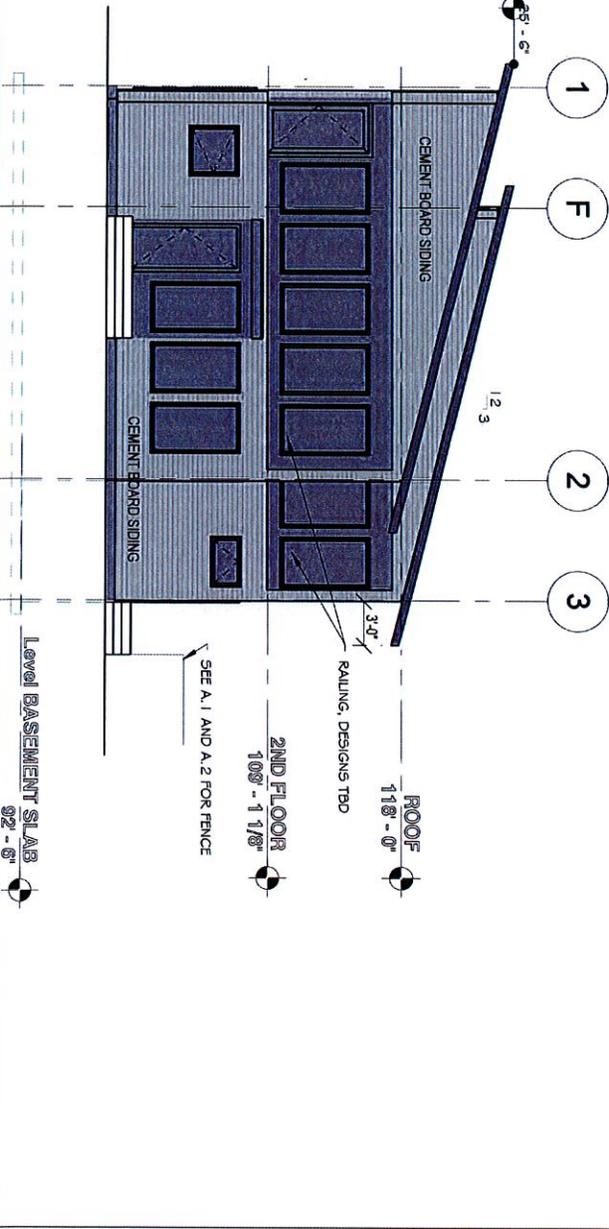
Date

NOT FOR CONSTRUCTION



**1 SOUTH ELEVATION**

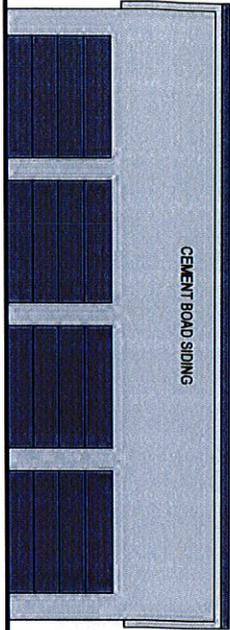
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**2 WEST ELEVATION**

SCALE: 1/8" = 1'-0"

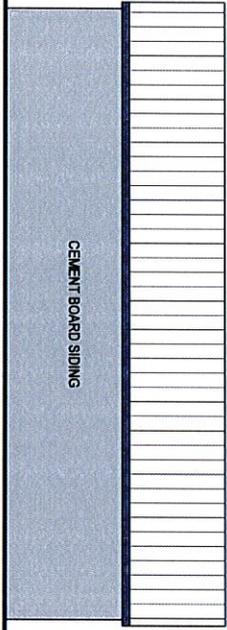




**1** GARAGE SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



**2** GARAGE EAST ELEVATION  
SCALE: 1/8" = 1'-0"



**3** GARAGE NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



**4** GARAGE WEST ELEVATION  
SCALE: 1/8" = 1'-0"







