



# CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #1  
 April 23, 2015  
 BZZ-7096

## LAND USE APPLICATION SUMMARY

Property Location: 2 Queen Avenue South  
 Project Name: 2 Queen Avenue South Lot Division  
 Prepared By: [Suado Abdi](#), City Planner, (612) 673-2467  
 Applicant: Lance Watkins  
 Project Contact: Lance Watkins  
 Request: To allow lot split  
 Required Applications:

<b>Variance</b>	To reduce required minimum lot area from 5,000 square feet to 4,881 square feet.
<b>Variance</b>	To reduce required minimum lot width from 40 feet to 38.74 feet.
<b>Variance</b>	To reduce the minimum interior side yard requirement adjacent to the south lot line from 5 feet to 3.1 feet.

## SITE DATA

<b>Existing Zoning</b>	RIA Single Family District and SH Shoreland Overlady District
<b>Lot Area</b>	9,980 square feet
<b>Ward(s)</b>	7
<b>Neighborhood(s)</b>	Bryn-Mawr
<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 a reverse corner lot zoned RIA Single family District and SH Shoreland Overlay District. The site is approximately 78.36 feet by 127.37 feet (9,980 square feet). There is an existing single-family dwelling on the property with a detached garage located to the rear. The single-family dwelling was permitted for construction in 1904. The existing garage is accessed from Chestnut Avenue West.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding properties in the immediate area are predominantly single-family dwellings with the exception of five duplexes, one triplex and one industrial use to the north. Surrounding zoning districts are R2B Two family district, I1 Light Industrial District.

<b>Date Application Deemed Complete</b>	March 23, 2015	<b>Date Extension Letter Sent</b>	Not Applicable
<b>End of 60-Day Decision Period</b>	May 22, 2015	<b>End of 120-Day Decision Period</b>	Not Applicable

**PROJECT DESCRIPTION.** The applicant is proposing to split the existing parcel to create two new parcels. The existing parcel is approximately 78.36 feet by 127.37 feet (9,980 square feet). The Hennepin County property map shows the existing lot was originally platted as two separate parcels, which were later combined to create one parcel. The applicant is seeking to re-split the lot. The original platting shows that the northerly parcel had a lot of width of 38.65 feet and 40 feet lot width for the southerly lot. The proposed lot split follows the original platting of the lots.

The RIA District requires a minimum lot area of 5,000 square feet and minimum lot width of 40 feet to allow a single-family dwelling per parcel. The northerly parcel would be 4,881 square feet in area and 38.74 feet wide, which does not meet the required lot area and lot width in the RIA district for a single-family dwelling. The northerly parcel would retain the existing single-family dwelling and detached garage. The applicant is seeking a variance to reduce required minimum lot area from 5,000 square feet to 4,881 square feet and a variance to reduce required minimum lot width from 40 feet to 38.74 feet. Additionally, as a result of the lot split, the existing single-family dwelling on the northerly parcel would not meet the required 5 feet interior side yard setback. Therefore, the applicant is requesting a variance reduce the minimum interior side yard requirement adjacent to the south lot line from 5 feet to 3.1 feet.

The new southerly parcel would be 5,099 square feet in area and 40 feet wide, which meets the minimum lot area and lot width required to construct new single-family dwelling in the RIA Single Family District. Per the applicant, the new southerly parcel would be developed to construct a single-family dwelling.

**PUBLIC COMMENTS.** Staff has not received any correspondence. Any correspondence received prior to the public hearing will be forwarded on to the Board of Adjustment for consideration.

## ANALYSIS

### VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for variances to allow lot split on a reverse corner lot 1) a variance to reduce required minimum lot area from 5,000 square feet to 4,881 square feet, 2), a variance to reduce required minimum lot width from 40 feet to 38.74 feet, and 3) a variance to reduce the minimum interior side yard requirement adjacent to the south lot line from 5 feet to 3.1 feet, 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.*

**Lot area & Lot width:** Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. Historically, the existing 9,980 square feet parcel was created by combing two separate lots. The original platting shows the northerly lot was platted with lot width of 38.65 feet, which would make the lot area substandard to the current minimum lot area requirement of 5,000 square feet in area and minimum lot width of 40 feet. The applicant is seeking to re-split the lot, which would follow the original platting. By re-splitting the lot, the northerly parcel would be 4,881 square feet in area and 38.74 feet in lot width. Therefore, the applicant has applied for variances to reduce required minimum lot area from 5,000 square feet to 4,881 square and variance to reduce required minimum lot width from 40 feet to 38.74 feet. The maximum

amount by which lot area and lot width can be reduced by variance is 30 percent. The variances will reduce the required lot area and width by 2.4 percent and 3.2 percent.

No variances are requested for the new southerly lot as it would be 5,099 square feet in area and 40 feet wide, which meets the minimum lot area and lot width required for single family dwellings in the RIA Single Family District.

**Interior side yard setback:** A Practical difficulty exists in complying with the ordinance due to location of the existing single family dwelling constructed in 1904. This practical difficulty was not created by the applicant. Since the proposed lot split follows the original platting, the existing single-family dwelling on the northerly lot would not meet the required south interior side yard setback of 5 feet. Therefore, the applicant is requesting a variance to reduce the interior side yard requirement adjacent to the south lot line from 5 feet to 3.1 feet.

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.*

**All Variances** The applicant is proposing to use the property in a reasonable manner consistent with the spirit and intent of the ordinance and the comprehensive plan. The proposed lot split would follow the original platting. Per 531.100 (a), in the event that the existing single family dwelling on the north lot is razed, as a nonconforming lot, the northerly lot could be redeveloped to construct a new single family dwelling provided that all other requirements for the RIA Single Family District are met. Both the existing and proposed single family dwellings on each lot would be used in a reasonable manner and would meet the intent of the RIA Single Family District.

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. Additionally, health, safety, and welfare of the general public will not be impacted if these variances are granted. All three variances requested are for the northerly lot. Most of the lots on the block are 40-feet wide. There are a number of corner lots in the vicinity that were platted with less than 40-feet of lot width. Immediately to the west side of the subject lot, there is a property located at 2323 Chestnut Avenue West that had similar lot width platting as the subject northerly lot at 2 Queen Avenue South before it was combined with another lot. While the northerly lot would have slightly smaller lot area of 4,881 square feet in area and lot width of 38.74 feet compared to surrounding lots, it would not greatly impact the character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The future construction of a single-family dwelling on the southerly lot will require review for administrative site plan review and a building permit to ensure compliance with the applicable zoning and building code requirements.

### **Additional Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:**

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

The site is relatively flat and does not contain any steep slopes. The northerly lot currently contains an existing single family dwelling that would be retained. Building and erosion control permits will be reviewed before constructing on the new lot to the south.

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

Both lots would not have any greater impact on views from the creek. There is a large industrial warehouse structure along Chestnut Avenue West that blocks the visibility from Bassett Creek.

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

The subject site does not have direct access to the protected water.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application(s) by Lance Watkins for the property located at 2 Queen Avenue South:

### **A. Variance to reduce required minimum lot area.**

Recommended motion: **Approve** the variance to reduce required minimum lot area from 5,000 square feet to 4,881 square feet for the northerly parcel to allow a lot split, subject to the following conditions of approval:

- I. Approval of the lot division by the Department of Community Planning and Economic Development.

### **B. Variance to reduce required minimum lot width.**

Recommended motion: **Approve** the variance to reduce required minimum lot width from 40 feet to 38.74 feet for the northerly parcel to allow a lot split, subject to the following conditions of approval:

- I. Approval of the lot division by the Department of Community Planning and Economic Development.

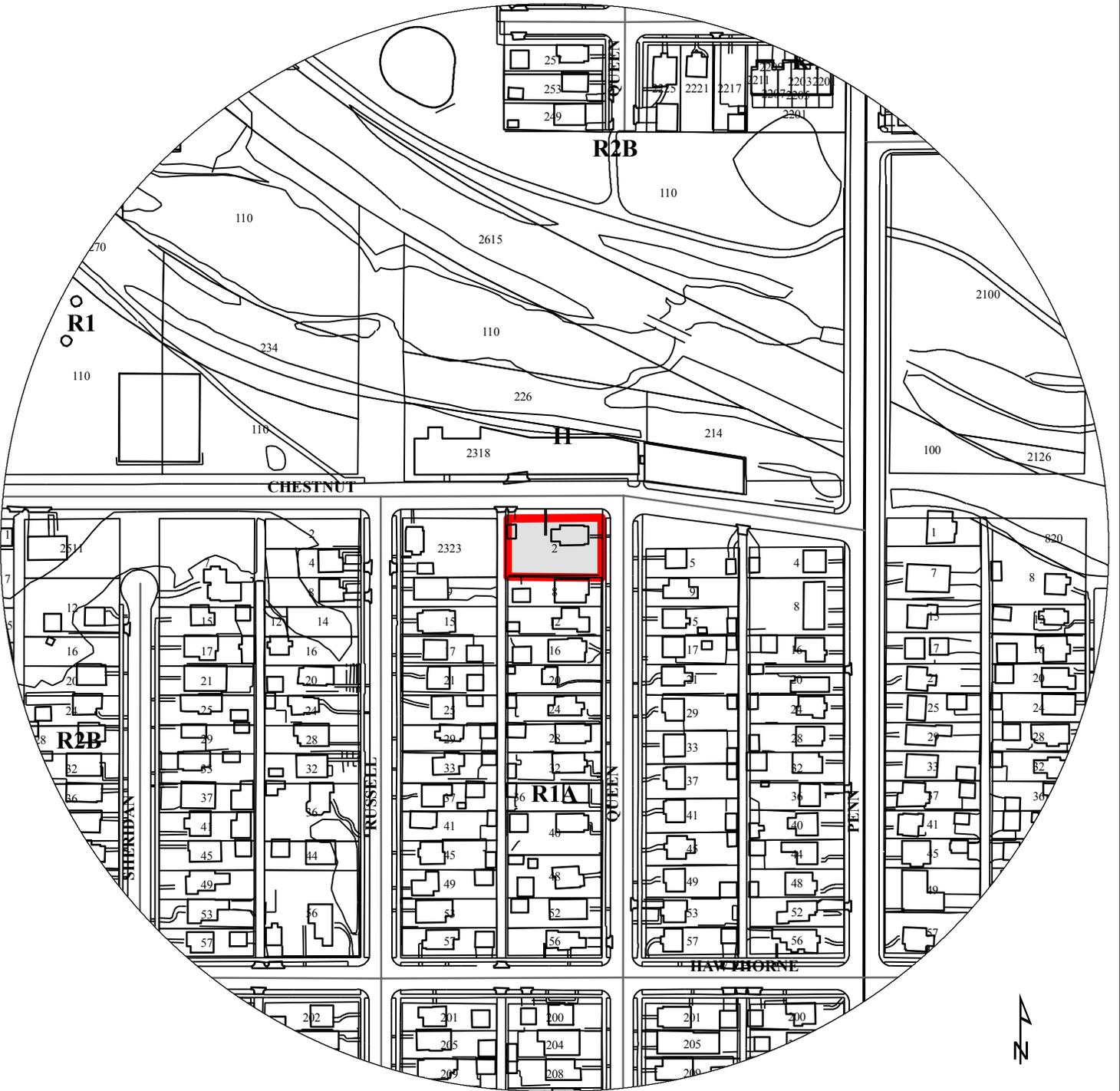
### **C. Variance to reduce required interior side yard setback.**

Recommended motion: **Approve** the variance to reduce the minimum interior side yard requirement adjacent to the south lot line from 5 feet to 3.1 feet for the northerly parcel to allow a lot split, subject to the following conditions of approval:

- I. Approval of the lot division by the Department of Community Planning and Economic Development.

## ATTACHMENTS

1. Zoning map
2. Site survey
3. Hennepin County Maps
4. Photo
5. Written description and findings submitted by applicant
6. Letters to Council Member Reich and Marshall Terrace Neighborhood



# ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101    Minnetonka, MN 55345    Phone (952) 474 7964    www.advsur.com

SURVEY FOR: **SHAWN KUGLER**

SURVEYED: February 12, 2015

DRAFTED: February 12, 2015

REVISED: April 9, 2015 to remove proposed drive easement.

**LEGAL DESCRIPTION:**

Lots 1 and 2, Walton's 2nd Addition, Hennepin, County, Minnesota.

**PROPOSED LEGAL DESCRIPTION OF NORTH PARCEL:**

Lot 1, Walton's 2nd Addition, Hennepin, County, Minnesota.

**PROPOSED LEGAL DESCRIPTION OF SOUTH PARCEL:**

Lot 2, Walton's 2nd Addition, Hennepin, County, Minnesota.

**ADDRESS OF SITE:**

2 Queen Avenue South, Minneapolis, MN.

**SCOPE OF WORK:**

1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. It should be noted that this survey was done under snow and ice conditions and that all improvements may or may not have been shown correctly. While we did our best to locate all improvements under the snow and ice, we can't be sure that all improvements were shown. Please look over the survey to be sure everything you need shown is shown correctly.
5. The subject property contains 9,980 Sq. Ft.

**STANDARD SYMBOLS & CONVENTIONS:**

"●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

**CERTIFICATION:**

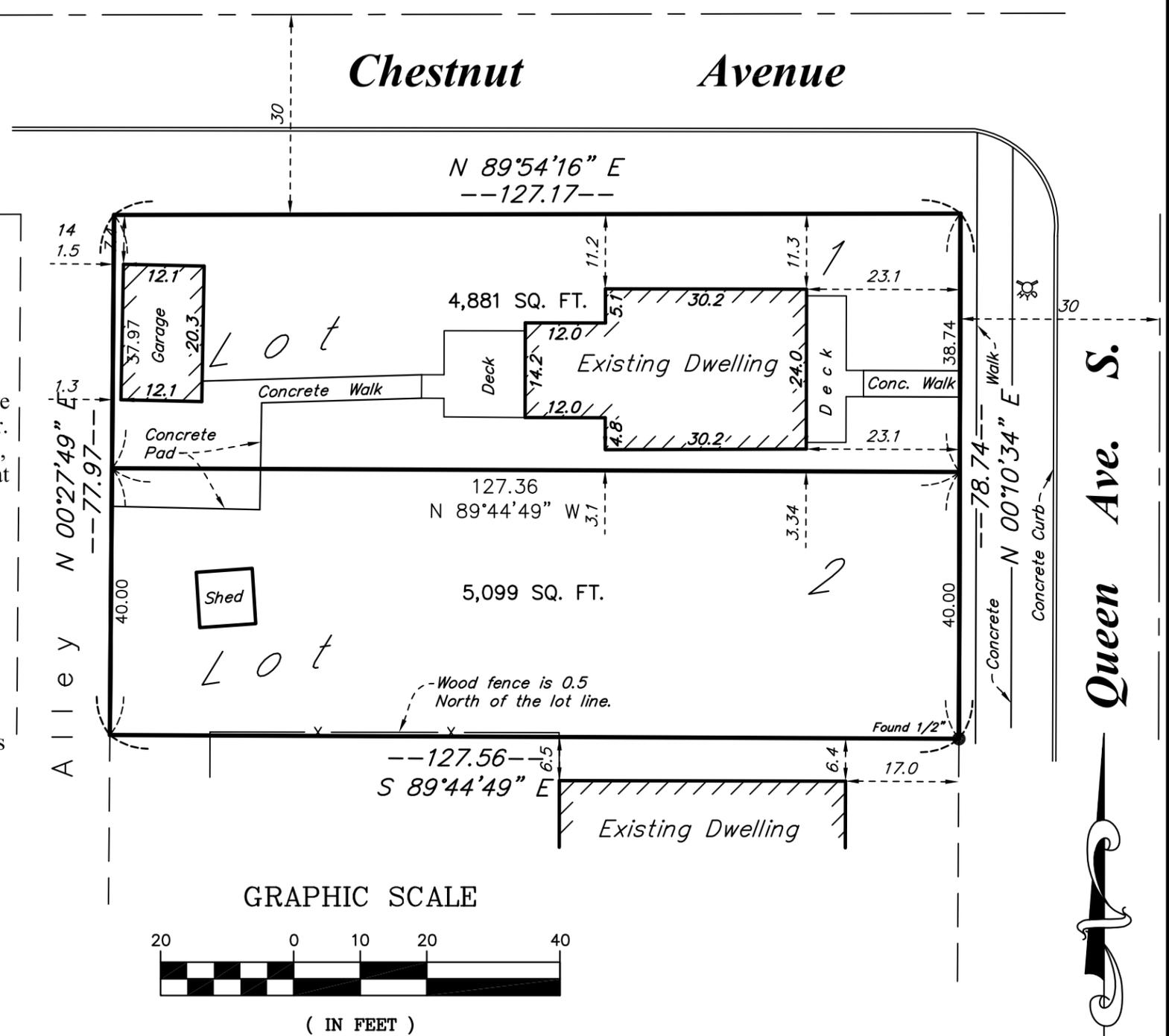
I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a licensed Professional Engineer and Professional Surveyor under the laws of the State of Minnesota.

Signature: James H. Parker

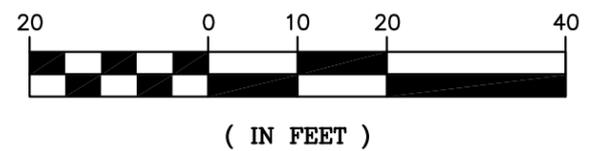
Typed Name: James H. Parker

Date: April 9, 2015

Reg. No. 9235



GRAPHIC SCALE



150076 2015 04 09 A JP SPLIT

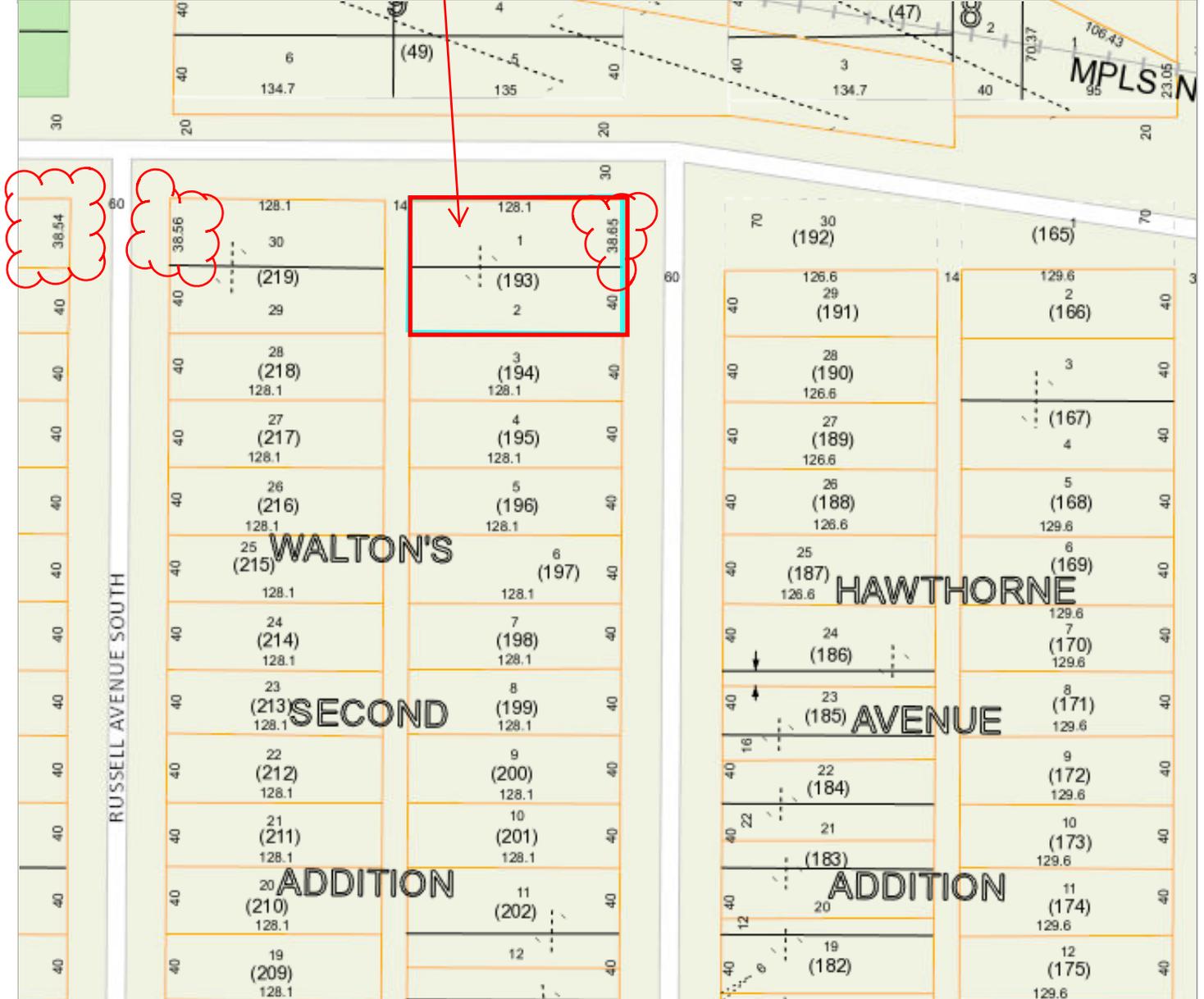
Queen Ave. S.



Interactive Maps

Property Map

Subject Site originally platting as two separate lots.



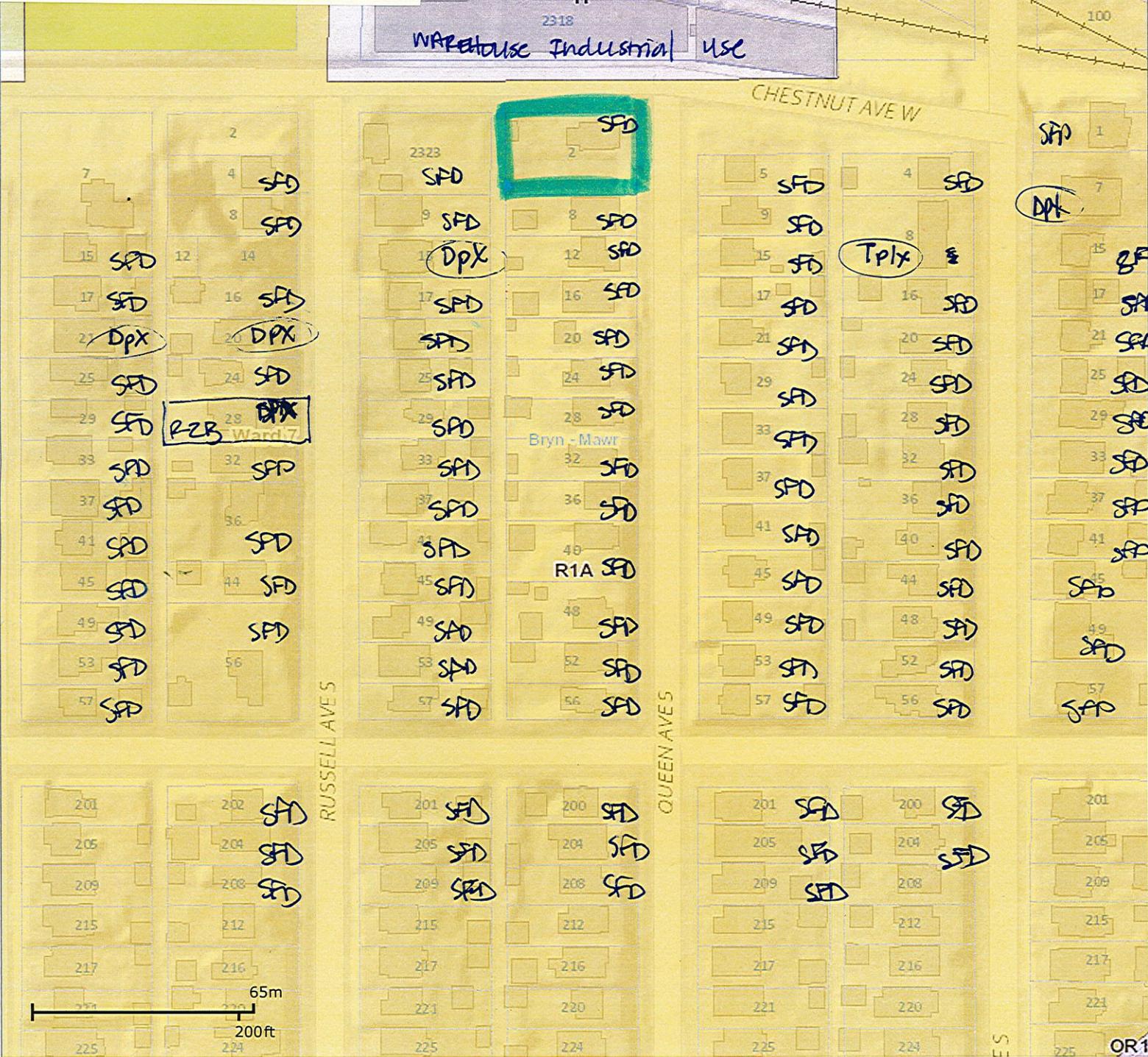
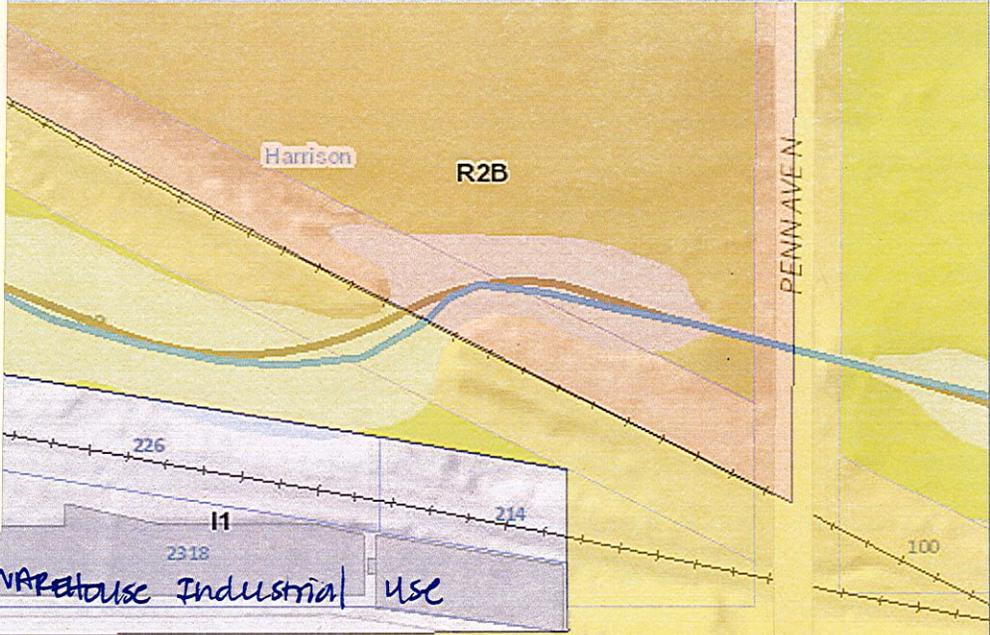
<p><b>Parcel ID:</b> 29-029-24-11-0193</p> <p><b>Owner Name:</b> D W Juillerat &amp; K R Thompson</p> <p><b>Parcel Address:</b> 2 Queen Ave S Minneapolis, MN 55405</p> <p><b>Property Type:</b> Residential</p> <p><b>Home-stead:</b> Non-Homestead</p> <p><b>Parcel Area:</b> 0.24 acres 10,270 sq ft</p>	<p><b>A-T-B:</b> Abstract</p> <p><b>Market Total:</b> \$220,000</p> <p><b>Tax Total:</b> \$4,731.88 (Payable: 2015)</p> <p><b>Sale Price:</b> \$55,000</p> <p><b>Sale Date:</b> 03/1998</p> <p><b>Sale Code:</b> Warranty Deed</p>	<p>Map Scale: 1" ≈ 100 ft.</p> <p>Print Date: 4/14/2015</p>  <p>This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.</p> <p>COPYRIGHT © HENNEPIN COUNTY 2015</p>
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subject site

SFD = Single-family Dwelling

Dpx = Duplexes

Tplx = Triplex





Existing Single-family Dwelling  
on the northerly lot

Variance to reduce required  
south interior side yard setback  
from 5 feet to 3.1 feet.

## Statement of proposed Use

Address: 2 Queen Ave S, Mpls

Owners of the home at 2 Queen are wanting to sub-divide the double lot, obtain a property ID for the vacant lot and then sell the lot.

March 23, 2015

City of Minneapolis

To Whom It May Concern:

We are the owners of 2 lots at 2 Queen Ave. S. in Minneapolis. We would like to acquire a separate property ID for each lot by splitting them into two parcels rather than one. Lot 2, which is currently underutilized and empty except for a small gazebo (which will be removed), measures over 5000 square feet per a recent survey. Lot 1, however, measures just short of 5000 square feet. We are asking for a variance to allow Lot 1 to be slightly smaller than currently allowed for a city lot.

We plan to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and comprehensive plan.

Lot 1 has a current small house which will remain and which we are rehabbing currently. Lot 2 would be for future construction of a home fitting the character of the neighborhood. This would enhance the lot and street and not be detrimental to the health, safety or welfare of the general public nor would it impede the use and enjoyment of nearby properties.

Thank you for your consideration,

Kevin Thompson

Dennie Juillerat

Owners of 2 Queen Ave. S., Minneapolis

*Kevin Thompson/Dennie Juillerat  
469 Newton Ave. S.  
Minneapolis. MN 55405*

March 17, 2015

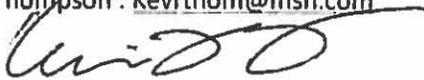
To Whom It May Concern,

This letter serves a notice of our authorization for Lance Watkins of RE/MAX Results and Shawn Kugler of RE/MAX Results to represent us in working with the City of Minneapolis on the matter of obtaining the necessary approvals to subdivide our double lot located at 2 Queen Ave. S. in Minneapolis, MN.

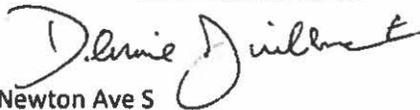
We are the owners of 2 Queen Avenue South.

Thank you,

Kevin Thompson : [Kevrthom@msn.com](mailto:Kevrthom@msn.com)



Dennie Juillerat: [dwj5757@live.com](mailto:dwj5757@live.com)



469 Newton Ave S

Minneapolis, MN 55405

612-296-5409

## **2 Queen Ave. S. Notification**

Kevin Thompson [kevrthom@msn.com]

**Sent:** Tuesday, March 17, 2015 9:11 AM

**To:** patrick.sadler@minneapolismn.gov

Dear Council Member Goodman,

We are the owners of 2 Queen Avenue South and are working with the city of Minneapolis to subdivide the double lot into two separate lots with separate property ID's.

We are required by the City of Mpls Development and Services Division to send out an email to notify you of our intent to obtain a variance approval to subdivide the lot. This email is intended as compliance with that requirement. Our contact information appears below if needed for any questions. Please favor us with an acknowledgement of this notification.

Thank you,

Kevin Thompson : Kevrthom@msn.com

Dennie Juillerat: dwj5757@live.com

469 Newton Ave S

Minneapolis, MN 55405

612-296-5409

## **2 Queen Ave. S. Notification**

Kevin Thompson [kevrthom@msn.com]

**Sent:** Tuesday, March 17, 2015 9:08 AM

**To:** vicepresident@bmna.org

**Cc:** jesswiley@comcast.net

Dear Bryn Mawr Neighborhood Association,

We are the owners of 2 Queen Avenue South and are working with the city of Minneapolis to subdivide the double lot into two separate lots with separate property ID's.

We are required by the City of Mpls Development and Services Division to send out an email to notify you of our intent to obtain a variance approval to subdivide the lot. This email is intended as compliance with that requirement. Our contact information is listed below for any questions. Please favor us with an acknowledgement of the receipt of this email.

Thank you,

Kevin Thompson : Kevrthom@msn.com

Dennie Juillerat: dwj5757@live.com

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Minneapolis, MN 55405

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