



CITY OF ORONO

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April 18, 2019

Donna Kabanuk
5233 Twin Lake Blvd
Brooklyn Center MN 55429

SUBJECT: Buildability of Properties on Kenwood Way

Dear Ms. Kabanuk,

Thank you for calling today to inquire about your 5 parcels located on Kenwood Way referenced below in the table; the table also summarizes the areas and widths of those parcels. I have also attached the following: a Hennepin County aerial photo parcel map (your parcels are outlined in red); and City Code Section 78-72(c) relating to Lots of Record in the Shoreland Overlay District, and the LR-1C district standards.

As we discussed on the phone, all 5 properties are located in both the LR-1C zoning district and the Shoreland Overlay District, and are considered to be nonconforming with respect to the minimum area and width required for the LR-1C district (required minimum of 0.5 acre and 100 foot width). In order to develop a nonconforming property without variances for area and/or width, City Code Section 78-72 must be followed. This Code states that non-lakeshore lots must meet 66% of the DNR's minimum dimensional standards for lot size. These lots, when following the Code and DNR standards, must each have at least 6,600 square feet in area and have 49.5 feet in width along the right-of-way, at minimum.

My analysis, based on the reported Hennepin County information* for each of the properties is below.

Parcel No.	PID	Address	Approx. Area*	Approx. Width*
(1)	1711123410001	2130 Kenwood	7,435	47.21
(2)	1711723410002	2140 Kenwood	6,845	51.15
(29)	1711723410029	2170 Kenwood	4,869	50
(30)	1711723410030	N/A	1,165	0
(31)	1711723410031	N/A	4,199	N/A

Based on this information, it appears that only Lot 2 (2140 Kenwood Way) meets the minimum Lot of Record standard and is buildable as is. If you choose to develop 2140 Kenwood Way, then per the City Code 78-72 (c) 4, the other 4 parcels must be combined into one. This would create two total lots with the new lot having an awkward configuration and a limited building envelope.

However, the remaining lots are not buildable/developable on their own and the code would require they to be combined into one lot. For example, Lot 1 (2130 Kenwood Way) does not meet the minimum width to be considered a lot of record and such is not buildable. Additionally, the three other parcels (Parcel numbers 29, 30, and 31) are all too small to meet the Lot of Record minimum standards as they exist today; and are not considered to be buildable, individually.

As a more functional solution, we suggest combining Lot 1 and 2 into one larger, buildable lot. Additionally, we suggest combining all 3 of lots 29, 30, and 31 together to make one buildable lot, resulting in two total buildable lots.

Please let me know if you have any further questions. (952)-429-4602 or loakden@ci.orono.mn.us

Sincerely,
City of Orono

A handwritten signature in black ink, reading "Laura Oakden". The signature is fluid and cursive, with the first name "Laura" and last name "Oakden" clearly distinguishable.

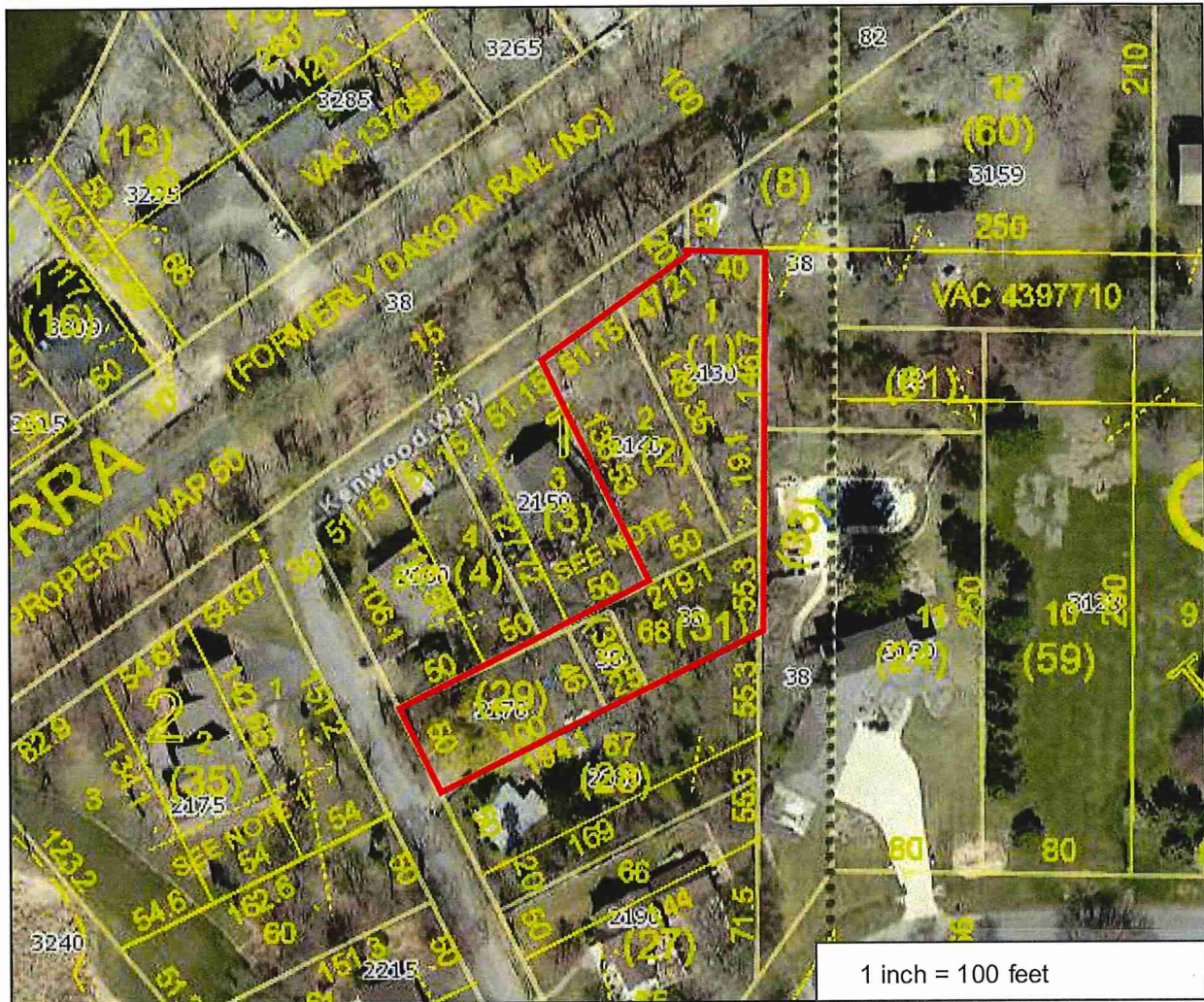
Laura Oakden
Planner

Enclosed:
Hennepin County Map
City Code Sections 78-72 & 78-350



Hennepin County Property Map

Date: 4/18/2019



No results

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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Sec. 78-72. - Lots of record.

- (a) A lot of record is any lot for which a deed or registered land survey has been recorded in the office of the register of deeds or the registrar of titles for Hennepin County prior to January 1, 1975, and after approval by the council if required.
- (b) A lot of record located within an R (Residential) or RR (Rural Residential) district but not within the Shoreland Overlay district, RS Seasonal Recreational district, or any of the LR-Lakeshore Residential districts, which does not meet the requirements of this chapter as to area or width may be utilized for a single-family detached dwelling purpose, provided that in the judgment of the council or administrative approval by the planning director, such use does not adversely affect public health or safety and the following requirements are met:
 - (1) In R districts of one acre or less and served by public sanitary sewer. A lot of record existing upon January 1, 1975, in any R district of the city of up to and including one acre, which lot is serviced by public sanitary sewer and which does not meet the requirements of this chapter as to area or width only, may be utilized for single-family detached dwelling purposes without council approval if all other requirements of the underlying zoning district are met, including but not limited to required yards, setbacks, lot coverage by structures, hardcover, etc. However, the lot of record shall not be more intensely developed unless combined with one or more abutting lots or portions so as to create a lot meeting the requirements of this chapter.
 - (2) In R or RR districts of greater than one acre and served by public sanitary sewer. A lot of record in any R or RR district in the city in excess of one acre which does not meet the requirements of this chapter as to area or width only may be utilized for single-family detached dwelling purposes by administrative approval if the planning director finds that the following conditions are met:
 - a. It is at least one acre in size, and the average width of the lot is at least 100 feet;
 - b. It is served by public sanitary sewer; and
 - c. It otherwise meets the requirements of this chapter or other applicable Code provisions.
 - (3) In R or RR districts not served by public sanitary sewer. A lot of record in any R or RR district in the city not served by public sanitary sewer must meet the area and width requirements of this chapter and shall not be utilized for single-family detached dwelling purposes without council approval. Administrative approval may be granted for a lot of record not meeting the lot area and width requirements if the planning director finds that the following conditions are met:
 - a. The lot area and lot width each meet at least 50 percent of the district standard.
 - b. Suitable primary and alternate septic sites are identified on the property and are protected from future development by execution of a covenant.
 - c. All other zoning ordinance requirements must be met, including but not limited to the following:
 - 1. Setbacks.
 - 2. Hardcover.
 - 3. Lot coverage by structures.
 - 4. Accessory structure requirements.
- (c) A lot of record located in any shoreland district, including the Shoreland Overlay district, RS Seasonal Recreational district, and any of the LR- Lakeshore Residential districts, that does not meet the requirements of this chapter for lot size or lot width shall be subject to the following regulations:

- (1) A nonconforming single lot of record may be allowed as a building site without variances from lot size and width requirements, provided that:
 - a. All setback requirements can be met;
 - b. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 - c. The impervious surface coverage meets all hardcover location and square footage restrictions of this chapter and the total square footage of hardcover does not exceed 25 percent of the entire lot area.
 - d. All other zoning district standards can be met.
- (2) In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - a. The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - b. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls; and
 - c. Impervious surface coverage must meet all hardcover location and square footage restrictions of this chapter and the total square footage of hardcover must not exceed 25 percent of the entire lot area; and
 - d. Development of the lot must be consistent with the comprehensive plan.
- (3) A lot subject to either subsections 78-72(c)(1) or (2) remains subject to the hardcover restrictions of this chapter, as follows:
 - a. Where the hardcover square footage allotment as calculated based on the assigned tier exceeds 25 percent of the entire lot area, hardcover shall be limited to 25 percent of the entire lot area.
 - b. No portion of the impervious surface square footage allowed shall be placed within in 75 feet of a lake OHWL or tributary bank, except for those items normally allowed in such location as regulated elsewhere in this chapter.
- (4) A lot subject to subsection 78-72(c)(2) not meeting the requirements of subsection 78-72(c)(2) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- (5) Notwithstanding subsection 78-72(c)(2), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minn. Stat. § 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
- (6) In all variance requests, zoning and building permit applications or conditional use requests, the property owner shall address, when determined as appropriate by the city engineer or city staff, stormwater runoff management, reduction of impervious surfaces, setback increases, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- (7) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

(Code 1984, § 10.03(6)(A); Ord. No. 9 3rd series, § 1, 5-24-2004; Ord. No. 92 3rd series, § 1, 3-26-2012; Ord. No. 95 3rd series, § 1, 10-8-2012; Ord. No. 108 3rd series, § 1, 7-8-2013)

Sec. 78-350. - LR-1C district—Area, height, lot width, setback, and yard requirements.

(a) The following minimum requirements shall be observed:

Dimensional Requirements:

Lot Area (Minimum): 0.5 acre.

Lot Width (Minimum): 100 feet.

Height: Maximum 30 feet defined height; accessory buildings may not exceed height of principal building.

Setbacks:	Street/Front (feet)	Interior Side (feet)	Side Street (feet)	Rear/Street (feet)	OHWL* (feet)	Wetland (feet)
Principal Building	30	10	15	30	75/100/150 + ALS	25 or MCWD buffer
Accessory Building (AB) <1,000 sf	30	10	15	10	75/100/150 + ALS	25 or MCWD buffer
Oversize Accessory Building (OAB) >1,000 sf	30	10	15	30	75/100/150 + ALS	25 or MCWD buffer
Accessory Structures (AS)	15	10	15	10	75/100/150 + ALS	25 or MCWD buffer

*OHWL setback is determined by the classification of the lake as defined in section 78-1217 and the applied minimum setback from the OHWL as outlined in section 78-1279.

(b) Exceptions:

- (1) *Side yard setback.* For lots that are non-conforming as to their width, the interior side yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be the lessor of ten feet or equal to ten percent of the lot width as defined. However, in no case shall the side yard setback be less than 7.5 feet.
- (2) *Side yards adjacent to unimproved rights-of-way.* In any residential district, the setback for side yards adjacent to unimproved rights-of-way shall be the same as the applicable interior side yard setback. Unimproved in this section shall be interpreted to mean not improved or maintained by the city or county for vehicular travel.
- (3) *Front yard setback.* For lots that are non-conforming with respect to area the minimum front yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be equal to the average depth of the existing front yards on the adjacent lots on each side

of the non-conforming lot fronting on the same street. However, the depth of such front yard shall not be less than ten feet.

(Code 1984, § 10.25(6); Ord. No. 18 3rd series, § 3, 9-27-2004; Ord. No. 173 3rd series, § 6, 6-27-2016; Ord. No. 199 3rd series, § 4, 6-12-2017; Ord. No. 222 3rd series, § 11, 12-10-2018)
