

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permits and Variances  
BZZ-2968

**Date:** June 12, 2006

**Applicant:** Wei-Chen and Laurie Chu

**Addresses of Property:** 4009 Queen Avenue South

**Project Name:** Chu Residence

**Contact Person and Phone:** Jim Kuzzy with Plekkenpol Builders, Inc, (952) 888-2225

**Planning Staff and Phone:** Hilary Dvorak, (612)673-2639

**Date Application Deemed Complete:** May 5, 2006

**End of 60-Day Decision Period:** July 4, 2006

**End of 120-Day Decision Period:** Not applicable for this application

**Ward:** 13      **Neighborhood Organization:** Linden Hills Neighborhood Council

**Existing Zoning:** R1 Single-family district and SH Shoreland Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 29

**Legal Description:** Not applicable for this application

**Proposed Use:** Addition to an existing single-family dwelling

**Concurrent Review:**

**Conditional use permit:** to allow for the construction of an addition to an existing single-family dwelling located within the SH (Shoreland) Overlay District.

**Variance** to permit development in the SH (Shoreland) Overlay District on a steep slope or bluff, or within 40 feet of the top of a steep slope or bluff.

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances and Chapter 551, Article VI, SH Shoreland Overlay District.

**Background:** The applicants are proposing to construct a 306 square foot addition to their existing single-family dwelling located at 4009 Queen Avenue South. The addition will accommodate a lower level den and a first floor sunroom. In the future, the applicants intend to construct a second level screen

porch. The addition will be constructed on the east side of the existing house. The building addition will be located further from the east property line than the existing house; however, the proposed deck will encroach closer to the east property line than the existing house.

The property is zoned R1 and is located within the SH (Shoreland) Overlay District. Specifically, the area where the applicants are proposing to construct the addition is located within 40 feet of a steep slope. Due to the proximity of the property to lake Harriet, the grades on site and the location within the SH Shoreland Overlay District, the proposal requires a conditional use permit and variance to construct an addition within 40 feet of a steep slope. The SH Shoreland Overlay District defines a steep slope as land having an average slope of 18 percent or greater measured over a horizontal distance of 50 feet or more.

**CONDITIONAL USE PERMIT** – to allow for the construction of an addition to an existing single-family dwelling located within the SH (Shoreland) Overlay District

**Findings as Required by the Minneapolis Zoning Code:**

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that allowing the proposed addition to be constructed within 40 feet of a steep slope would endanger the public health, safety, comfort or general welfare as the addition is proposed to be constructed further away from the top of the steep slope that the house is currently.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The Planning Division does not believe that constructing the proposed addition within 40 feet of a steep slope would impede development or be injurious to the use and enjoyment of other property in the area. The construction of the addition should not cause any damage to the slope.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The applicants would be required to work closely with the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The parking requirement for the proposed development is one off-street parking space. There is an existing two-car garage on the property.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The site abuts the historically designated Como-Harriet Streetcar Line and a designated park area. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Maintain and strengthen the character of the city's various residential area (Policy 9.8).

This specific proposal is in conformance with the above noted principles and policies of the comprehensive plan. The proposed addition has been designed to replicate the scale and architecture of the existing house.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

With the approval of the conditional use permit and the variance, this development will be in conformance with the applicable requirements of the R1 Zoning District and the SH Shoreland Overlay District.

The applicants must comply with the grading and filling regulations of Section 551.510, including employing best management practices to prevent erosion and trap sediment. Additionally, removal of vegetation on the steep slope shall be prohibited except as authorized by the zoning administrator in section 551.520 of the zoning code.

**551.490. Conditional Uses:** In addition to the conditional use standards contained in Chapter 525, Administration and Enforcement, the city planning commission shall consider the following:

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

The applicants will be required to prevent soil erosion and possible pollution of public waters, both during and after construction. The applicants will be required to install a silt fence during construction and will be required to follow all applicable City requirements to prevent any type of water pollution.

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

The Planning Division does not believe that the proposed addition would significantly impact views from Lake Harriet as the addition will be constructed in an existing niche in the southeast corner of the house. The building addition will be located further from the east property line than the existing house and will be no taller than the existing house.

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

This development will not impact watercraft usage on Lake Harriet.

**551.500. Development on slopes between twelve (12) and eighteen (18) percent.** Development on slopes between twelve (12) and eighteen (18) percent, other than bluffs, where allowed by the primary zoning district, provided the development is not located within fifty (50) feet of the ordinary high water mark of any protected water, may be allowed in the SH Overlay District subject to the regulations of this article, Chapter 535, Regulations of General Applicability, and the following conditions:

**1. The foundation and underlying material shall be adequate for the slope condition and soil type.**

The applicants have indicated that the foundation and underlying material would be adequate for the existing slope conditions and soil types. The construction of the addition should not cause any damage to the slope.

**2. The development shall present no danger of falling rock, mud, or uprooted trees or materials.**

The applicants have indicated that the development would not present any danger of falling rock, mud or uprooted trees or other materials. The applicants will be required to install a silt fence around the site during construction.

**3. The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with surrounding architectural features.**

The Planning Division believes that the view of the developed slope from Lake Harriet would be minimally altered and would be consistent with the natural appearance of the slope and with the surrounding architectural features.

**VARIANCE** - to permit development in the SH (Shoreland) Overlay District on a steep slope or bluff, or within 40 feet of the top of a steep slope or bluff

**Findings as Required by the Minneapolis Zoning Code for the Variances:**

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**To permit development in the SH (Shoreland) Overlay District on a steep slope or bluff, or within 40 feet of the top of a steep slope or bluff:** The current use of the property is reasonable, however, it would be difficult to add on to the existing dwelling under the conditions allowed and with strict adherence to the regulations of the zoning code. The rear portion of the property is considered a steep slope. Therefore any development proposed on the rear of the existing house would require a conditional use permit and a variance. To build outside of the steep slope or more than 40 feet from the top of the steep slope the proposed addition would need to be constructed on the front of the house which would be located in the required front yard. Due to the site constraints, the Planning Division believes that a hardship exists on the property.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**To permit development in the SH (Shoreland) Overlay District on a steep slope or bluff, or within 40 feet of the top of a steep slope or bluff:** The fact that any development on the rear of the site would require a conditional use permit and a variance is a unique circumstance of this property. Please note that the proposed addition will be constructed further away from the top of the steep slope that the house is currently.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**To permit development in the SH (Shoreland) Overlay District on a steep slope or bluff, or within 40 feet of the top of a steep slope or bluff:** The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The addition is proposed to be constructed in an existing niche in the southeast corner of the house. The building addition will be located further from the east property line than the existing house and will be no taller than the existing house.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**To permit development in the SH (Shoreland) Overlay District on a steep slope or bluff, or within 40 feet of the top of a steep slope or bluff:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow for the construction of an addition to an existing single-family dwelling located within the SH (Shoreland) Overlay District for property located at 4009 Queen Avenue South subject to the following condition:

1. Removal of vegetation on the steep slope shall be prohibited except as authorized by the zoning administrator in section 551.520 of the zoning code.

**Recommendation of the Department of Community Planning and Economic Development– Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to permit development in the SH (Shoreland) Overlay District on a steep slope or bluff, or within 40 feet of the top of a steep slope or bluff for property located at 4009 Queen Avenue South.

**Attachments:**

1. Statement of use
2. Conditional use permit and variance findings
3. April 6, 2006, e-mail to Council Member Hodges
4. February 14, 2006, e-mail from the Linden Hills Neighborhood Council
5. Zoning map
6. Contour map
6. Site plan, floor plans and elevations
7. Photos of the site and surrounding area