

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5326

Date: October 27, 2011

Applicant: Albertsson/Hansen Architecture

Addresses of Property: 3400 West Calhoun Parkway

Contact Person and Phone: Todd Hansen, (612) 823-0233 ext.2

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete:

End of 60-Day Decision Period:

Ward: 13 **Neighborhood Organization:** West Calhoun Neighborhood Council

Existing Zoning: R1 Single-Family District and SH Shoreland Overlay District

Zoning Plate Number: 23

Legal Description: Not applicable for this application

Proposed Use: Construction of a new attached garage, single-story addition, terrace, walkway and screened porch to an existing single-family dwelling

Variance to permit development in the SH Shoreland Overlay District 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 subject property is approximately 90 ft. by 134.5 ft. (13,026 sq. ft.) and the property includes a single-family dwelling with an attached garage. The applicants are proposing several additions to the existing single-family dwelling including the construction of a new attached garage, single-story addition, terrace, walkway and screened porch. Due to the proximity of the property to Lake Calhoun, the grades on site and the location within the SH Shoreland Overlay District, the proposal requires variance to for the proposed construction within 40 feet of a steep slope.

To apply for a variance to allow for development on or within 40 feet of a steep slope or bluff the following four items must be met:

1. *Development must currently exist on the steep slope or within 40 feet of the top of a steep slope within 500 feet of the proposed development.*

The existing single-family dwelling is located on and within 40 feet of the top of the steep slope. The applicant has provided a site plan showing all of the steep slopes on the property and all of the area that is located on or within 40 feet of the top of each of the steep slopes and it covers essentially the entire parcel. The proposed additions and walkways require a variance to allow for the development.

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

The proposed attached garage and mudroom addition will be constructed where an existing concrete slab exists, adjacent to an existing retaining wall. The proposed terrace, kitchen addition to the south, porch addition to the north and the new walkway will be constructed on the property where the area has a 2 ft. or less grade change. Public Works has reviewed the proposed plans and did not have any concerns related to the slope condition or soil type. Staff believes that the project area is currently developed and the foundation and underlying material will be adequate for the slope condition and soil type.

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

The proposed project will most likely require the removal of one existing pine tree along the west property line. The proposed construction does not present danger of falling rock, mud, uprooted trees or other materials.

4. *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 the surrounding physical contexts.*

The project area is located on and within 40 feet of the top of a steep slope and is located in the SH Shoreland Overlay District. The view from Lake Calhoun will be consistent with what has existed on this property for many years.

Findings Required by the Minneapolis Zoning Code:

VARIANCES to permit development in the SH Shoreland Overlay District within 40 feet of the top of a steep slope or bluff.

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.**

The circumstances upon which the variance is requested are unique to the parcel of land due to the existing steep slope conditions and the proximity to Lake Calhoun. The applicant has provided a site plan showing all of the steep slopes on the property and all of the area that is located on or within 40 feet of the top of each of the steep slopes and it covers essentially the entire parcel. Therefore, any development on the property would require a variance. These circumstances have not been 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.**

The applicant is seeking variance to allow for a new attached garage, single-story addition, terrace, walkway and screened porch to an existing single-family dwelling located on within 40 feet of the top of a steep slope in the SH Shoreland Overlay district. The proposed structures comply with the zoning ordinance in location to the property lines, area and height. Staff believes that the applicant is proposing to use the property in a reasonable manner.

- 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.**

Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance and would not negatively alter the essential character of the area. The project area is located within 40 feet of the top of a steep slope and the applicant has provided a site plan showing all of the steep slopes on the property and all of the area that is located on or within 40 feet of the top of each of the steep slopes and it covers essentially the entire parcel. Therefore, any development on the property would require a variance. The intent of the ordinance is to protect both the water body and other properties located below a steep slope from erosion and runoff. The applicant has demonstrated that the necessary precautions will be taken during construction and that the subject site will not be significantly altered to adversely affect the water quality of Lake Calhoun. Further, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

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.**

Staff believes the proposed project will prevent soil erosion and other possible pollution during and after construction. Public Works staff has reviewed the proposed construction and did not have concerns regarding soil erosion or possible pollution of public waters. The proposed project will require building permits and erosion control permits prior to construction.

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

Staff believes the proposed development will permit very limited site lines from Lake Calhoun, if any. The proposed construction facing Lake Calhoun is located over 200 feet and is elevated from the lake and the parkway has several mature trees that will also screen the property.

- 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 Lake Calhoun. The proposed project will not require the accommodation of any additional watercraft of any type on Lake Calhoun.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** a variance to allow for the construction of a new attached garage, single-story addition, terrace, walkway and screened porch to an existing single-family dwelling located at 3400 West Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following condition:

1. CPED-Planning and all other applicable City departments review and approve the final plans.

Attachments:

1. Statement of use and findings
2. Copies of letters sent to West Calhoun Neighborhood Council and CM Hodges
3. Correspondence from neighbors
4. Zoning map
5. Survey
6. Site plan showing the steep slopes and areas within 40 ft. of the top of the steep slopes
7. Site plan
8. Floor plans
9. Elevations
10. Photos of the site and surrounding area.