

**Department of Community Planning and Economic Development – Planning Division**

Variance  
BZZ-5451

**Date:** February 2, 2012

**Applicant:** David Copeland, 1517 Franklin Avenue West, Minneapolis, MN 55415, (612) 812-8161

**Address of Property:** 1517 Franklin Avenue West

**Project Name:** 1517 Franklin Avenue West

**Contact Person and Phone:** Northrup Remodeling, Attn: Mark Kesling, 4400 Nicollet Avenue South, Minneapolis, MN 55419, (612) 825-3353

**Planning Staff and Phone:** Becca Farrar, Senior City Planner, (612) 673-3594

**Date Application Deemed Complete:** December 19, 2012

**End of 60-Day Decision Period:** February 17, 2012

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

**Ward:** 7                      **Neighborhood Organization:** Lowry Hill East Neighborhood Association (LHENA)

**Existing Zoning:** R2 (Two-family) District and SH (Shoreland) Overlay District

**Zoning Plate Number:** 18

**Lot area:** 6,975 square feet or approximately .16 acres

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

**Proposed Use:** Construct two-story addition to existing single-family home.

**Concurrent Review:**

- Northrup Remodeling, on behalf of David Copeland, has submitted a variance application to allow for development within a steep slope. The applicant proposes to construct a two-story, approximately 730 square foot addition to the rear of the existing single-family home on the property located at 1517 Franklin Avenue West.

**Applicable zoning code provisions:** Chapter 525, Article IX, Variances, Specifically Section 525.520(17) “to permit development in the SH Shoreland Overlay District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff.”

**Background:** The site is currently occupied by a 2 ½ story, approximately 2,152 square foot single-family home that was constructed in 1900. The applicant proposes to construct a two-story, approximately 730 square foot addition to the rear of the home. The subject property is zoned R2 (Two-family) District and is also

located in the SH (Shoreland) Overlay District. The contour map of the area indicates that there is a significant grade change on the property that exceeds 18% at approximately 26%. The proposed two-story addition would be located within an area defined as a steep slope. Due to the proximity of the property within 1000 feet of the ordinary high water mark of Lake of the Isles, the grades on site and the location of the property within the SH Overlay District, the proposal requires a variance to allow for the construction of the addition within a steep slope.

The addition as proposed would total approximately 730 square feet and would include a basement area with storage space, a main level living space including a media room and sunroom, and expanded upper level master bedroom/bathroom. The exterior of the addition as proposed would be stucco and match the stucco finish on the existing structure. The proposal meets all applicable setback requirements as well as all applicable provisions in the R2 District and SH Overlay District including floor area ratio, height, impervious surface, building coverage, etc.

Staff has not received official correspondence from the Lowry Hill East Neighborhood Association (LHENA) prior to the printing of this report. All correspondence received prior to the Board of Adjustment meeting will be forwarded on for consideration.

**VARIANCE** – to permit development in the SH Shoreland Overlay District within 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 within the steep slope on the premises. The proposed addition requires a variance in order to allow for the expansion.

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

The subject site is currently developed and the applicant has stated that the foundation for the proposed addition and underlying material would be adequate for the slope condition and soil type. There would be minimal disruption of the existing slope and soil for the proposed project.

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

The proposed addition does not present danger of falling rock, mud, uprooted trees or other materials. There will be minimal disruption of the existing slope in order to accommodate the proposed addition as the addition would be constructed on land that is currently grass.

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 subject site is located within the SH Overlay District and within an existing steep slope. The property is located just inside the SH Overlay District boundary (1000 foot spacing from the ordinary high water mark of Lake of the Isles). The view of the property from Lake of the Isles would be consistent with what has existed on this property for many years. Staff would argue that the subject property is not visible from the protected water.

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

**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.**

Planning Staff believes that there are practical difficulties that exist in complying with the ordinance in this specific circumstance as nearly the entire parcel (with the exception of the front yard in the northeast corner of the site along Franklin Avenue West) is located in the SH Overlay District, the structure that exists on the premises is already located within the steep slope and the only practical location that would allow for an addition to the existing structure is located within that same steep slope. These circumstances have not been created by the applicant. The applicant has stated the proposal would result in minimal disruption of the existing slope.

**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 proposal to seek a variance to allow for the construction of a two-story addition to the rear of the existing single-family home that is located within a steep slope in the SH Overlay District would continue to allow for the use of the property in a reasonable manner. The applicant has stated that the proposal would result in minimal disruption of the existing slope. Planning Staff believes that the proposal to allow a 730 square foot addition to the rear of the house would be reasonable and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan.

**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 proposal to allow for the construction of an addition to the existing single-family home within a steep slope in the SH Overlay District would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The intent of the ordinance is to protect not only the water body, but other properties located below a steep slope from both erosion and runoff. The applicant has confirmed that all necessary precautions will be taken during construction in compliance with applicable City regulations. Further, the proposal is contextually appropriate and is consistent with adopted city policies. The exterior materials on the proposed addition would consist of stucco to match the stucco exterior on the existing structure.

**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 applicant shall be responsible for complying with all applicable City regulations pertaining to the prevention of soil erosion as well as other possible pollution sources both during and after construction. The applicant has confirmed that all necessary precautions will be taken during construction in compliance with applicable City regulations. Further, any alterations to the subject site shall be minimal and would not have any adverse effects on the water quality of Lake of the Isles.

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

The proposed addition would be two-stories in height; however, Staff believes that due to the fact that the site is located on the outer boundary of the SH Overlay District, it is doubtful that the property would be visible from Lake of the Isles.

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

The proposed development would not have any impact on watercraft usage on Lake of the Isles.

**RECOMMENDATION**

**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 Board of Adjustment adopt the above findings and **approve** the variance application to allow a two-story, approximately 730 square foot addition to the rear of the existing single-family home located within a steep slope in the SH Overlay District on the property at 1517 Franklin Avenue West subject to the following condition of approval:

1. The exterior of the addition shall be stucco and shall match the stucco finish on the existing structure.

**Attachments:**

1. Statement of proposed use and description of the project
2. Findings
3. Correspondence – CM Goodman and LHENA
4. Zoning Map
5. Site plan, floor plans, elevations and exhibits
6. Photos of the site