

Department of Community Planning and Economic Development – Planning Division

Variance
BZZ-5452

Date: February 2, 2012

Applicant: Mercedes and Jacob Rudh, 22 Russell Court, Minneapolis, MN 55410, (612) 859-1444

Address of Property: 22 Russell Court

Project Name: 22 Russell Court

Contact Person and Phone: Domain Architecture & Design, Attn: Deb Everson, 2748 Hennepin Avenue South, Minneapolis, MN 55408, (612) 870-7507

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

Date Application Deemed Complete: December 29, 2012

End of 60-Day Decision Period: February 27, 2012

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

Ward: 13

Neighborhood Organization: Fulton Neighborhood Association

Existing Zoning: R1 (Single family) District, SH Overlay (Shoreland Overlay) District and FP (Floodplain Overlay) District

Zoning Plate Number: 35

Lot area: 16,246 square feet or approximately .37 acres

Legal Description: Not applicable for this development

Proposed Use: Construct two additions on to the existing single-family home.

Concurrent Review:

- Variance to allow an interior side yard setback reduction from the required 6 feet to approximately 3 feet, 1 inch along the east property line to allow for a 22 square foot addition to the main floor.
- Variance to allow development within a steep slope. The applicant proposes to construct two additions on to the existing single-family home located on the property at 22 Russell Court. One of the proposed additions is located along the east property line and would be 22 square feet in size; the other addition would be attached to the rear of the structure at the lower level and would be 300 square feet in size. A wrap-around lower level deck and upper level deck would be incorporated into this addition.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations”; and 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 story, approximately 3,868 square foot single-family home that was constructed in 1965. The residence has the appearance of a single-story structure from the public street; however, has a full walkout basement that meets the definition of a story per Section 520.160 of the Zoning Code. The applicant proposes to construct two separate additions to the existing structure; one of the proposed additions is located along the east property line and would be 22 square feet in size and the other addition would be attached to the rear of the structure at the lower level and would be 300 square feet in size with a wrap-around lower level deck and an upper level deck. The subject property is zoned R1 (Single-family) District and is also located in the SH (Shoreland) and FP (Floodplain) Overlay Districts. The contour map of the area indicates that there is a significant grade change on the property that exceeds 18% at approximately 28% which is defined as a steep slope. The area of the property that is within the FP Overlay District is located down the existing slope on the southeastern corner of the parcel; the proposed additions are not located within this area and in fact, are at least 100 feet away from the boundary at a significantly higher grade.

The proposal requires two variances: (1) to allow an interior side yard setback reduction from the required 6 feet to approximately 3 feet, 1 inch along the east property line to allow the 22 square foot addition. The existing building wall of the single-family home in this location is non-conforming as to the setback requirement and is currently located 5 feet, 6 inches from the property line; (2) both building additions require a variance to allow development within an area defined as a steep slope. Due to the proximity of the site within 300 feet of the landward extent of the floodplain along Minnehaha Creek, 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 additions within a steep slope.

The proposed 22 square foot main floor addition would result in the expansion of a bathroom to allow for a therapy tub. The proposed 300 square foot addition on the rear of the structure would be a family room. A wrap-around lower level deck and upper level deck would be incorporated into this addition. The exterior of the additions as proposed would be wood and would match the wood siding on the existing structure. The proposal meets all other applicable setback requirements as well as all applicable provisions in the R1 District and SH Overlay District including floor area ratio, height, impervious surface, building coverage, etc.

Staff has not received official correspondence from the Fulton Neighborhood Association prior to the printing of this report. All correspondence received prior to the Board of Adjustment meeting will be forwarded on for consideration.

VARIANCE –of the interior side yard setback from 6 feet to 3 feet, 1 inch to allow the proposed addition.

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. The proposed 22 square foot addition is subject to an interior side yard setback requirement of 6 feet along the east property line. The existing building wall of the single-family home in this location is non-conforming as to the setback requirement as it is currently located 5 feet, 6 inches from the property line. The proposal to expand the bathroom by constructing an addition that is approximately 2 feet, 8

inches wide by 7 feet long to allow a therapy tub is a reasonable use of the property. The proposal to locate the addition at a distance greater than 3 feet from the property line allows for the inclusion of fenestration. Further, the abutting residential dwelling to the east is located approximately 6 feet, 8 inches at the closest point from the property line which allows for adequate separation and minimal impact on the neighboring parcel.

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 reduce the interior side yard setback from 6 feet to approximately 3 feet, 1 inch to allow a small addition to the existing structure that results in the expansion of the bathroom in order to accommodate a therapy tub is 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 reduce the required setback from 6 feet to approximately 3 feet, 1 inch in order to allow a 22 square foot addition 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 proposal is contextually appropriate and is consistent with adopted city policies. The exterior materials on the proposed addition would be wood siding to match the wood exterior on the existing structure. Further, landscaping exists along the east property line which provides a visual buffer.

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 additions require a variance in order to allow for the expansions.

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 entirely within the SH Overlay District and within an existing steep slope. The view of the property from Minnehaha Creek would be arguably consistent with what has existed on this property for many years. There is a significant grade change on the property and the property is densely vegetated.

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 the entire parcel is located in the SH Overlay District, the structure that exists on the premises is already located within the steep slope and any proposed additions on the site would result in the need for a variance. 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 both proposed additions to the single-family home on the premises, 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 two relatively small additions, one 22 square feet and the other 300 square feet in size with a wrap-around lower level and upper level deck would be reasonable and would be in keeping with the spirit and intent of the ordinance and the 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 two additions 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 additions would consist of wood to match the wood 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 Minnehaha Creek.

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

One of the proposed additions would be attached to the main level and the other would be attached to the lower level. The proposed addition at the rear would have the potential of being the most visible, however, as previously noted, there are significant grade changes on the property and the property is densely vegetated.

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 Minnehaha Creek.

RECOMMENDATIONS

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 an interior side yard setback reduction from the required 6 feet to approximately 3 feet, 1 inch along the east property line to allow for a 22 square foot addition to the main floor of the existing single-family home on the property located at 22 Russell Court.

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 development that includes an addition along the east property that is 22 square feet in size and another addition on the rear of the structure that would be 300 square feet in size with a wrap-around lower level deck and upper level deck on property located within a steep slope in the SH Overlay District at 22 Russell Court subject to the following condition of approval:

1. The exterior of the additions shall be wood and shall match the wood finish on the existing structure.

Attachments:

1. Statement of proposed use and description of the project
2. Findings
3. Correspondence – CM Hodges and Fulton Neighborhood Assn
4. Zoning Map & Contour Map

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5. Site plan, floor plans, elevations and exhibits
6. Photos of the site