

east elevation of the single-family home along Penn Avenue South by 235 square feet, as well as construct a two-story addition above the expanded garage totaling approximately 960 square feet. The subject property is zoned R1 (Single-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% which is defined as a steep slope.

The proposal requires 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 235 square foot garage expansion would result in a modification to both the depth and width of the existing garage. The garage is currently 17 feet, 8 inches deep by approximately 18 feet wide. The expansion would extend the footprint of the garage an additional 3 feet, 8 inches to the east and an addition 8 feet to the north resulting in a garage that is approximately 570 square feet in size. The applicant further proposes to add a 960 square foot, two-story living space above the expanded garage that results in a larger living room on the main level and a new master bedroom on the second level. The exterior of the addition as proposed would be dark brown wood siding to 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 – 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 expanded garage and living space located above. The proposed expansion would not result in the projection of the structure towards Minnehaha Creek.

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. The development is located above an existing boulder retaining wall. 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 utilized as a driveway.

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 somewhat consistent with what has existed on this property for many years and as previously noted, the expansion will not result in the projection of the structure towards Minnehaha Creek. 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 addition 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 the proposed addition 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 a relatively small garage expansion that has the ability to accommodate two vehicles as well as allow for additional living space above 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 the 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 presence of tuck-under garages, retaining walls, etc., are features that are common in the neighborhood. The exterior materials on the proposed addition would consist of wood siding 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. The existing retaining walls on site will remain and will not be disturbed during construction.

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

It is likely that the proposed addition would have some visibility from Minnehaha Creek, 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 expansion of the existing tuck-under garage located on the east elevation of the single-family home by 235 square feet as well as a two-story addition located above the expanded garage totaling approximately 960 square feet on property located within a steep slope in the SH Overlay District at 2305 52nd Street West subject to the following condition of approval:

1. The exterior of the addition shall be wood siding 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
5. Site plan, floor plans, elevations and exhibits
6. Photos of the site