

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5601

Date: June 28, 2012

Applicant: Quartersawn

Address of Property: 4400 Fremont Avenue South

Contact Person and Phone: Jeff Nicholson, (952) 237-9290

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

Date Application Deemed Complete: June 1, 2012

End of 60 Day Decision Period: July 31, 2012

Ward: 13 **Neighborhood Organization:** East Harriet/Farmstead Neighborhood Association

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

Zoning Plate Number: 30

Legal Description: Not applicable

Proposed Use: A re-roof and addition to an existing single-family dwelling

Variance: to increase the maximum height from 2.5 stories to 3 stories to allow for a re-roof and new addition to the existing single-family dwelling. The existing dwelling is three stories and is presently nonconforming to the maximum height allowed in the R1 Single-Family District.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(4) "...to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded..."

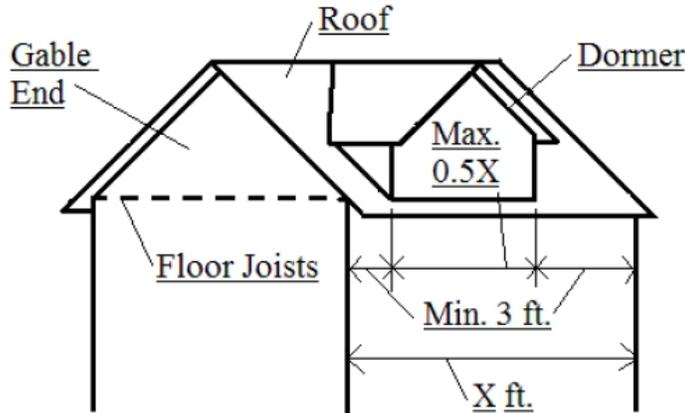
Background: The subject property is an irregularly shaped parcel, approximately 19,379 square feet in size and is a corner lot. The single-family dwelling was constructed in 1912 and based on the current zoning code definition of half-story, the existing structure is considered to be three stories in height.

Story, half. A story that meets the following criteria:

- (1) The half story will be located on a principal residential structure with a maximum district or use height of two and one-half (2.5) stories. A partial story located in any other district or on any other use shall be considered a full story.

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- (2) Gross floor area of the half story will be located under a gable or hip roof and all of the roof rafters shall abut the floor joists, except at gable ends or where dormers are allowed.
- (3) Dormers on the half story will meet the following standards.
 - a. The total width of all dormers on any façade will not exceed fifty (50) percent of the width of the wall of the floor below the half story roof.
 - b. Dormers will be located no closer than three (3) feet from any end-of-house corner of the floor below and any gable end wall.
 - c. Dormers will not extend beyond the wall below and will not interrupt the eave edge of the hip or gable roof.



The applicants are proposing to remove the existing 8½/12 pitched hip roof and construct a 9/12 pitched gable roof. A portion of the roof will have a flat roof to allow for adequate headroom in a new office on the third floor. The applicants are also proposing to remove an existing 2-story, enclosed porch addition and construct a new 3-story addition to the existing dwelling. Therefore, the applicants are requesting a variance to increase the maximum height of a single-family dwelling from 2.5 stories to 3 stories to allow for the proposed addition.

As of writing this staff report, staff has not received any correspondence from the East Harriet/Farmstead Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to increase the maximum height of a single-family dwelling from 2.5 stories to 3 stories.

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, nonconforming height of the structure. The single-family dwelling was constructed in 1912 at the present height. The applicants are proposing to re-roof the existing dwelling and construct an

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addition that is consistent with the maximum height at 26 feet 3 inches. With the addition, the house would be less than the maximum height and gross floor area permitted on this lot.

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 applicants are seeking a variance to increase the maximum height of a principal structure from 2.5 stories to 3 stories to allow for the re-roof and addition to an existing 3-story single-family dwelling. The proposed addition will not exceed the maximum height in feet; however, it currently exceeds the number of stories, based on the definition of half-story. The re-roof is intended to allow for added crawl space and habitable space on the existing third floor. The proposed addition will be to the rear and subordinate in height to the existing structure. 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 intent of the ordinance is to regulate bulk in order to minimize the impact structures have on surrounding properties in residential neighborhoods and to preserve the traditional development pattern of residential neighborhoods. The proposed re-roof will increase the height in feet by 1 foot 3 inches and still be less than the maximum height in feet allowed in the R1 District. Further, the proposed height will be consistent with the height of other dwellings in the surrounding area. Finally, the granting of the variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Findings required by the Minneapolis Zoning Code for increasing the maximum height:

1. Access to light and air of surrounding properties.

The increase in height would likely have no effect on the access to light and air of surrounding properties. The re-roof will increase the height of the existing structure by 1 foot 3 inches and the proposed addition will be subordinate in height to the existing structure. The property is a corner lot. The adjacent structure to the south is located approximately 45 feet from the existing structure and the proposed addition is located approximately 65 feet from the west property line which abuts a public alley.

2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.

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Shadowing of the adjacent residential properties would be minimal, if at all. The adjacent structure to the south is located approximately 45 feet away from the existing structure is located approximately 53 feet from the addition. There are not any existing significant public spaces directly adjacent to the site. Staff is not aware of any existing solar energy systems that would be affected by shadowing.

3. The scale and character of surrounding uses.

In the immediate area, the scale of surrounding buildings range between 2.5 and 3 stories. With the proposed re-roof and addition, the dwelling will be consistent in height with the adjacent structures.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

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 that the proposed project will have no impact on soil erosion or pollute public waters during or after construction. The applicant has demonstrated that the necessary precautions will be taken during construction and there are no steep slopes on the subject property. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Lake Harriet.

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

The proposed addition will increase the maximum height by 1 foot 3 inches and staff believes that very little of the property will be visible from Lake Harriet, if any. The subject property is located over 300 feet from Lake Harriet and the parcels between the subject property and the lake are presently developed.

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

This development will not impact watercraft usage on Lake Harriet.

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** the variance to increase the maximum height of a single-family dwelling from 2.5 stories to 3 stories to allow for a re-

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roof and new addition to the existing structure located at 4400 Fremont Avenue South in the R1 Single-Family District and SH Shoreland Overlay District. The existing dwelling is three stories and is presently nonconforming to the maximum height allowed in the R1 Single-Family District, subject to the following conditions:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by June 28, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mails sent to East Harriet/Farmstead Neighborhood Association and CM Hodges
- 3) Zoning map
- 4) Survey
- 5) Site plan
- 6) Floor plans
- 7) Roof plans
- 8) Building elevations
- 9) Photographs