

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ-5591

Date: June 28, 2012

Applicant: Edgework Builders, Inc.

Addresses of Property: 1953 Ewing Avenue South

Contact Person and Phone: Dave Stockdale, (612) 363-7747

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

Date Application Deemed Complete: May 23, 2012

End of 60-Day Decision Period: July 22, 2012

Ward: 7 Neighborhood Organization: Bryn Mawr Neighborhood Association

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

Zoning Plate Number: 17

Legal Description: Not applicable for this application

Proposed Use: Remodel and second floor addition to an existing garage and add a breezeway connecting the existing garage to the single-family dwelling

Concurrent review:

- Variance to permit development in the SH Shoreland Overlay District within 40 feet of the top of a steep slope.
- Variance to reduce the corner side yard setback along Franklin Avenue West from 10 feet to approximately 8 feet 6 inches.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations” and Section 525.520 (17) “To permit development in the SH Shoreland Overlay District on a steep slope or bluff, or within forth (40) feet of the top of a steep slope or bluff.”

Background: The subject property is approximately 55 feet by 130 feet, on average, (7,085 square feet) and the property includes a single-family dwelling with a detached garage on a corner lot. The west wall of the existing detached garage is failing. The applicants are proposing to repair the garage and construct a full second story addition atop the existing garage. In addition, the applicants are proposing to construct a new breezeway addition connecting the garage to the rear of the existing dwelling.

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The existing single-family dwelling and garage are located within 40 feet of the top of a steep slope. Due to the proximity of the property to Cedar Lake, the grades on site and the location within the SH Shoreland Overlay District, the proposal requires a variance to add the second story to the garage and construct the breezeway addition within 40 feet of a steep slope.

The existing detached garage is located approximately 8 feet 6 inches from the corner side property line, adjacent to Franklin Avenue West. The minimum corner side yard setback in the R1 District is 10 feet. The proposed second floor addition to the garage will be over the entire first floor and similarly located 8 feet 6 inches, at the closest point, from the south corner side property line. Therefore, the applicant is requesting a variance to reduce the corner side yard setback from 10 feet to approximately 8 feet 6 inches to allow for the second story addition to the garage.

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 and detached garage are within 40 feet of the top of the steep slope and 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 project area is currently developed and the foundation and underlying material will be adequate for the slope condition and soil type. The existing steep slope is located at the northeast corner of the site and there are a series of retaining walls on the property that allow the grade to be more or less level at the site of the breezeway addition. There will be minimum disruption of the existing soil for the proposed project where the breezeway is to be constructed. There will be no modification of the existing steep slope.

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 existing steep slope is located at the northeast corner of the site and there are a series of retaining walls on the property that allow the grade to be more or less level at the site of the breezeway addition. There will be minimum disruption of the existing soil for the proposed project where the breezeway is to be constructed.

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

Findings Required by the Minneapolis Zoning Code:

VARIANCE 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 and the proximity to Cedar Lake. These circumstances have not been created by the applicant. Both the breezeway and garage additions require a variance to allow for construction within 40 feet of the top of the steep slope. The existing steep slope is located at the northeast corner of the site and there are a series of retaining walls on the property that allow the grade to be more or less level at the site of the breezeway addition. The applicant is proposing to add a second story to the existing garage in exactly the same size and location and over the existing footprint of the first floor.

- 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 a variance to allow for the construction of a breezeway addition and second floor addition to an existing garage located within 40 feet of the top of a steep slope in the SH Shoreland Overlay District. 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 the construction of the project and no changes will be made to the existing slope. An addition to the house would require a variance given the presence of the steep slope on the property. 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 proposed variance will not alter the essential character or be injurious to the use or enjoyment of other property in the vicinity. The project area is located within 40 feet of the top of a steep slope and the existing steep slope is located at the northeast corner of the site. There will be minimum disruption of the existing soil for the proposed project. Therefore,

the subject site 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 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 has demonstrated that the necessary precautions will be taken during the construction of the addition so as to prevent soil erosion and other possible pollution during and after construction. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Cedar Lake.

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

Staff believes the proposed development will permit very limited site lines from Cedar Lake, if any. The proposed garage addition will be located over the existing first floor and will be subordinate in height and area to the principal structure.

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

VARIANCE to reduce the corner side yard setback from 10 feet to approximately 8 feet 6 inches to allow for a second-story addition to the existing garage.

- 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 grade of the site and the location of the existing garage. These circumstances have not been created by the applicant. The applicant is proposing to construct a second floor to the existing garage. The subject property has a steep slope at the northeast corner of the site. The applicants have stated that relocation of the entire garage another 1 foot 6 inches to the north would require that more of the garage be built into the grade, which would lead to the future sinking of the foundation. The existing detached garage was constructed with a building permit in 1955. The addition to the garage will be constructed atop the existing footprint.

- 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 a variance to reduce the required corner side yard setback along Franklin Avenue West from 10 feet to approximately 8 feet 6 inches for the proposed second story addition to the existing detached garage. The existing garage was built in 1955 in its present location. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The closest adjacent neighbor to the proposed structure is located approximately 30 feet to the east of the proposed second story addition. The adjacent neighbor to the north would be located approximately 47 feet to the proposed addition. 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 will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed garage addition will be subordinate in height and area to the principal structure. The applicant is proposing a structure that will complement the dwelling in terms of roof type, pitch and exterior materials. Finally, 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.

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 permit development in the SH Shoreland Overlay District within 40 feet of the top of a steep slope to allow for the construction of a breezeway and second-story addition to the existing garage accessory to an existing single-family dwelling located at 1953 Ewing Avenue South in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

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.
3. The additions shall have compatible materials to the existing structure.

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

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The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** a variance reduce the corner side yard setback along Franklin Avenue West from 10 feet to approximately 8 feet 6 inches to allow for a second-story addition to the existing garage accessory to an existing single-family dwelling located at 1953 Ewing Avenue South in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

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.
3. The additions shall have compatible materials to the existing structure.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. May 22, 2012, letters to Council Member Goodman and Bryn Mawr Neighborhood Association
3. Zoning map
4. SH Shoreland Overlay map
5. Survey
6. Site plan
7. Floor plans
8. Elevations
9. Photos of the site and surrounding area