

Department of Community Planning and Economic Development
Variance
BZZ 5902

Date: January 31, 2013

Applicant: Tom Feehan Design Build, Inc.

Address of Property: 1446 Minnehaha Parkway West

Contact Person and Phone: Tom Feehan, (612) 670-8486

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

Date Application Deemed Complete: December 31, 2012

End of 60-Day Decision Period: March 1, 2013

Ward: 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association

Existing Zoning: R1 Single-Family District

Existing Overlay District: SH Shoreland Overlay District

Zoning Plate Number: 36

Proposed Use: Second story and porch additions to an existing single-family dwelling

Variance: to allow for development within 40 feet of the top of a steep slope to allow for a second story and front porch addition to an existing single-family dwelling

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(17) “to permit development in the SH Shoreland Overlay District...within forty (40) feet of the top of a steep slope or bluff.”

Background: The subject property is a through lot, approximately 60 feet by 135 feet (8,121 square feet) and is occupied by an existing single-family dwelling with a detached garage. The applicant is proposing to remodel the existing dwelling and construct a second story addition and a rear addition to a new attached garage and a new open front porch. The property is located between West Minnehaha Parkway and Girard Avenue South. The subject property is also located in the SH Shoreland Overlay District and the survey shows that there is a steep slope exceeding 18 percent at the front of the property. Part of the proposed project will be located within 40 feet of the top of the steep slope, including the second floor remodel, second story addition and the new open front porch. There will be a roof remodel over the existing dwelling. The second story addition will be over an existing one-story portion on the south side of the dwelling. The applicant is constructing two open porches that are on either side of an existing vestibule. The new open porches will have a total of four footings. Due to the proximity of the

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property to Minnehaha Creek, the grades on site and the location within the SH Shoreland Overlay District, the proposal requires a variance to remodel the second floor and construct the proposed second-story addition and open front porch on and within 40 feet of the top of a steep slope.

As of writing this staff report, staff has not received any correspondence from the Lynnhurst 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 permit development in the SH Shoreland Overlay District within 40 feet of the top of a steep slope or bluff.

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, walkways and patio are located 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 applicant will be remodeling and adding a second-story addition over the existing footprint of the first floor and a new open front porch within 40 feet of the top of a steep slope. The applicant will be installing a total of four new footings for the open front porch; this is the required size for the slope and soil conditions.

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

The proposed porch and second story addition do not present danger of falling rock, mud, uprooted trees or other materials. There will be minimal disturbance of existing slope or soil to allow for the two proposed footings.

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

Findings Required by the Minneapolis Zoning Code:

- 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 Minnehaha Creek. The applicant is proposing to construct a second story addition and new open front porch within 40 feet of the top of a steep slope. There will be minimal disturbance of the soil to allow for the footings to support the porch and the proposed project will not be located on the steep 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 applicant is seeking a variance to allow for the remodel and construction of a second-story addition and new open front porch located on and 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 and to minimize visual impacts from the protected body of water. The applicant has demonstrated that the necessary precautions will be taken during the constructions of the porch. There will be minimal disturbance of the soil to allow for four new footings to support the porch and the proposed project will not be located on the steep slope. Further, proposed structure will be two and half stories and approximately 26 feet in height and consistent with the appearance of the existing structure and adjacent properties. Staff finds that the applicant is proposing to use the property in a reasonable manner consistent with the zoning code and comprehensive plan; the subject site will not be significantly altered to adversely affect the water quality of Minnehaha Creek.

- 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 finds that the granting of this variance would not negatively alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The project area is located on and within 40 feet of the top of a steep slope. The applicant has demonstrated that the necessary precautions will be taken during construction and no significant changes to the soil will be made and the construction will not take place on the steep slope. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Minnehaha Creek. Further, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

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 prevent soil erosion and other possible pollution during and after construction. The applicant has demonstrated that the necessary precautions will be taken during construction. There will be minimal disturbance of the soil to allow for four new footings to support the porch and the proposed project will not be located on the steep slope. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Minnehaha Creek.

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

The proposed structure will be two and half stories and approximately 26 feet in height and consistent with the appearance of the existing structure.

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

The subject property does not have direct access to Minnehaha Creek. Therefore, the proposed additions will not impact watercraft usage on Minnehaha Creek.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to allow for development within 40 feet of the top of a steep slope to allow for a second story and front porch addition to an existing single-family dwelling located at 1446 Minnehaha Parkway West in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by January 31, 2015, 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. Letters to Council Member Hodges and Lynnhurst Neighborhood Association
3. Zoning map
4. Survey
5. Site plan
6. Building elevations
7. Floor plans
8. Photos