

**Department of Community Planning and Economic Development**  
Variance  
BZZ 5982

**Date:** April 18, 2013

**Applicant:** TreHus

**Address of Property:** 4031 Queen Avenue South

**Contact Person and Phone:** Jon Colliander, (612) 729-2992

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

**Date Application Deemed Complete:** March 14, 2013

**End of 60-Day Decision Period:** May 13, 2013

**Ward:** 13      **Neighborhood Organization:** Linden Hills Neighborhood Council

**Existing Zoning:** R1 Single-Family District

**Existing Overlay District:** SH Shoreland Overlay District

**Zoning Plate Number:** 29

**Proposed Use:** Second story addition to the rear of an existing single-family dwelling

**Variance:** for development within 40 feet of the top of a steep slope to allow for a second story 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 50 feet by 142 feet, on average, (7,302 square feet) and is occupied by an existing single-family dwelling with an attached garage. The applicant is proposing to remodel the existing dwelling and construct a second story addition above a portion of an existing attached garage. The property is located between Queen Avenue South and the streetcar line adjacent to West Lake Harriet Parkway. 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 rear of the property. The proposed project area will be located within 40 feet of the top of the steep slope. The second story addition will replace a portion of the existing deck over the attached garage at the rear of the dwelling. Due to the proximity of the property to Lake Harriet, the grades on site and the location within the SH Shoreland Overlay District, the proposal requires a variance to add the second story addition within 40 feet of the top of a steep slope.

As of writing this staff report, staff has not received any correspondence from the Linden Hills Neighborhood Council. 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, attached garage, walkways and patio are located within 40 feet of the top of the steep slope.

- 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 adding a second-story addition over the existing footprint of the first floor. The applicant will not be making any modifications to the foundation or slope.

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

The proposed second story addition does not present danger of falling rock, mud, uprooted trees or other materials. There is no planned disturbance of existing slope or soil.

- 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 property to the east of the site is owned by the Minneapolis Park Board and is heavily wooded. The view of the property from Lake Harriet 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 Lake Harriet. The applicant is proposing to construct a second story addition above the existing attached garage. There will be no disturbance of the soil 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 construction of a second-story addition 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 and to minimize visual impacts from the protected body of water. The applicant has demonstrated that the necessary precautions will be taken during the construction of the addition. There will be no disturbance of the soil and the proposed project will not be located on the steep slope. Further, the proposed second-story addition will be shorter than the existing structure and will be consistent with the architectural style of the existing dwelling. 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 Lake Harriet.

- 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 changes to the soil will be made and the construction will not affect the steep slope. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Lake Harriet. Further, 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 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 finds 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 no disturbance of the soil and the proposed project will

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not be located on the steep slope. 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 be shorter than the existing structure and will be consistent with the architectural style of the existing dwelling.

**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 Lake Harriet. Therefore, the proposed addition will not impact watercraft usage on Lake Harriet.

**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 development within 40 feet of the top of a steep slope to allow for a second story addition to the rear of an existing single-family dwelling located at 4031 Queen 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, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by April 18, 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 Linden Hills Neighborhood Council
3. Zoning map
4. SH Shoreland Overlay map
5. Survey
6. Site plan
7. Building elevations
8. Floor plans
9. Photos