

**`Department of Community Planning and Economic Development**  
Variance  
BZZ 6068

**Date:** June 6, 2013

**Applicant:** Steiner & Koppelman, LLC

**Address of Property:** 1616 Mount Curve Avenue

**Contact Person and Phone:** David Steingas, (952) 473-5435

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

**Date Application Deemed Complete:** May 13, 2013

**End of 60-Day Decision Period:** July 12, 2013

**Ward: 7      Neighborhood Organization:** Lowry Hill Neighborhood Association

**Existing Zoning:** R2 Two-Family District

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

**Zoning Plate Number:** 18

**Proposed Use:** remodel of an existing attached garage, including a re-roof from a gable roof to a gambrel roof and exterior modifications to the existing doors and walls and a new patio, accessory to an existing single-family dwelling

**Variance:** for development on and within 40 feet of the top of a steep slope to allow for the remodel of an existing attached garage, including a re-roof from a gable roof to a gambrel roof and exterior modifications to the existing doors and walls and a new patio, accessory 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 an irregularly shaped parcel, approximately 16,786 square feet in area and is occupied by an existing single-family dwelling and attached garages. The dwelling was permitted for construction in 1905. Previous land use approvals include a variance to reduce the west interior side yard setback for a garage addition in 1998 and a variance to allow for development on and within 40 feet of the top of a steep slope for in the SH Shoreland Overlay District to allow for a new in-ground pool, with apron and fence and repairs and replacement of an existing retaining wall on May 2, 2013.

The subject property is located in the SH Shoreland Overlay District and the survey shows that there is a grade change exceeding 18 percent just beyond a retaining wall on the property. The applicant is proposing to remodel an existing attached garage to update the appearance to match the existing dwelling by changing the roof type from a gable to a gambrel roof. The change in roof type will increase the height of the structure from approximately 13 feet 6 inches to 17 feet 6 inches. The garage is attached via an existing balcony on the second floor of the existing dwelling that connects the house and garage. An administrative increase in height for the proposed garage is not required, because the garage is attached and therefore must be less than the maximum height of a principal structure, which is 30 feet. The applicants are also proposing to remove the existing vehicle double-door to a single-door to allow for interior modifications to allow for a bathroom. Along the east elevation, the existing wall will be modified to allow for a recessed entry with bluestone patio and new doors that will access the proposed bathroom and changing room and the existing garage. Due to the proximity of the property to Spring Lake, the grades on site and the location within the SH Shoreland Overlay District, the proposal requires a variances to construct on and within 40 feet of the top of a steep slope in the SH Shoreland Overlay District.

As of writing this staff report, staff has not received any correspondence from the Lowry Hill 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, garages, driveway, walkways and retaining wall 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 proposed garage remodel will not be constructed on the slope. The applicant provided an erosion control plan for the in-ground pool and retaining wall project that will be occurring simultaneously, which showed the locations of existing vegetation which will remain; silt fences and the driveway will be the temporary stockpile area for removed soil. The proposed erosion control measures will be in place prior to and during construction and after determination that the site has been permanently stabilized. After all of the proposed construction, the project area will be fully landscaped.

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

There will be no disturbance of the existing slope and the applicant provided an erosion control plan in the previous variance outlining measures before, during and after construction to ensure that there is no present danger of falling rock, mud, uprooted trees or other materials.

- 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 both on and within 40 feet of the top of a steep slope and is located in the SH Shoreland Overlay District. The proposed garage remodel will increase the height by 4 feet, but will be subordinate in area and height to the existing principal structure. Spring Lake is located approximately 900 feet northeasterly of the property. Any views of the property from Spring Lake 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 Spring Lake. The project area is located both on and within 40 feet of the top of a steep slope and is located in the SH Shoreland Overlay District. The applicant is proposing to remodel an existing attached garage where the height will be increased; no changes to the footings, foundation or slope are proposed. The project area is currently developed and the foundation and underlying material will be adequate for the slope condition and soil type. The applicant provided an erosion control plan for the in-ground pool and retaining wall project that will be occurring simultaneously, which showed the locations of existing vegetation which will remain; silt fences and the driveway will be the temporary stockpile area for removed soil. The proposed erosion control measures will be in place prior to and during construction and after determination that the site has been permanently stabilized. After all of the proposed construction, the project area will be fully landscaped.

- 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 of an existing attached garage located within 40 feet of the top of a steep slope in the SH Shoreland Overlay District. There will be no disturbance of existing slope. The proposed garage remodel will increase the height by 4 feet, but will be subordinate in area and height to the existing principal structure. Spring Lake is

located approximately 900 feet northeasterly of the property. Any views of the property from Spring Lake will be consistent with what has existed on this property for many years.

- 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 be in keeping with the spirit and intent of the ordinance and would not negatively alter the essential character of the area. The project area is located within 40 feet of the top of a steep slope. 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 protect views from the protected water. The applicant has demonstrated that the necessary precautions will be taken during construction and no changes are proposed to slope or soil to allow for the garage remodel. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Spring Lake. The proposed garage remodel will increase the height by 4 feet, but will be subordinate in area and height to the existing principal structure. Spring Lake is located approximately 900 feet northeasterly of the property. Any views of the property from Spring Lake will be consistent with what has existed on this property for many years. 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 finds that the proposed project will prevent soil erosion and other possible pollution during and after construction. The applicant is not proposing any modifications to the footings, foundation or soil for the garage remodel. The applicant provided an erosion control plan for the in-ground pool and retaining wall project that will be occurring simultaneously, which showed the locations of existing vegetation which will remain; silt fences and the driveway will be the temporary stockpile area for removed soil. The proposed erosion control measures will be in place prior to and during construction and after determination that the site has been permanently stabilized. After all of the proposed construction, the project area will be fully landscaped. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Spring Lake.

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

The existing garage is located within 40 feet of the top of a steep slope and the property is located in the SH Shoreland Overlay District. The proposed garage remodel will increase the height by 4 feet, but will be subordinate in area and height to the existing principal structure. Spring Lake is located approximately 900 feet northeasterly of the property. Any views of the

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property from Spring Lake will be consistent with what has existed on this property for many years.

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

The subject property is located approximately 900 feet from Spring Lake and does not have access to the lake directly

**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 allow for the remodel of an existing attached garage, including a re-roof from a gable roof to a gambrel roof and exterior modifications to the existing doors and walls and a new patio, accessory to an existing single-family dwelling located at 1616 Mount Curve Avenue in the R2 Two-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. Approval of the final site plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by June 6, 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 Goodman and Lowry Hill Neighborhood Association
3. Zoning map
4. SH Shoreland Overlay map
5. Survey
6. Erosion control plan
7. Site plan
8. Building elevations
9. Floor plans
10. Photos