

**Department of Community Planning and Economic Development**  
Variance  
BZZ 6155

**Date:** August 8, 2013

**Applicant:** Sicora, Inc.

**Address of Property:** 3407 28<sup>th</sup> Street West

**Contact Person and Phone:** Ron Sonnek, (612) 821-0131

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

**Date Application Deemed Complete:** July 12, 2013

**End of 60-Day Decision Period:** September 10, 2013

**Ward:** 7      **Neighborhood Organization:** Cedar-Isles-Dean Neighborhood Association

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

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

**Zoning Plate Number:** 23

**Proposed Use:** New addition to an existing single-family dwelling

**Variance:** to increase the maximum floor area ratio from 0.66 to approximately .71 to allow for an addition to an existing single-family dwelling

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically Section 525.520(3) “to vary the gross floor area, floor area ratio and seating requirements of a structure or use.”

**Background:** The subject property is approximately 45 feet by 154 feet (6,914 square feet) and the land use is a single-family dwelling with an attached garage. The dwelling and attached garage were permitted for construction in 1991. The applicant is proposing to construct a new 850 square foot addition to the dwelling. The basement of the existing dwelling projects out of the grade for at least 4 feet for more than 50% of the perimeter; therefore, the basement is included in the maximum gross floor area. The existing dwelling is 4,058.5 square feet of floor area, which has a .59 floor area ratio (FAR). The maximum gross floor area in the R1 Single-Family District is .5 or 2,500 square feet, whichever is greater. The zoning code allows a one-time increase in gross floor area for structures that are nonconforming to the maximum gross floor area up to 500 square feet, which would allow up to .66 FAR. The applicant is proposing to construct an 850 square foot addition and the proposed dwelling would have a .71 FAR and requires a variance.

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In June 2007, staff completed the Infill Housing Text Amendment process, with the adoption of new zoning code language intended to preserve the traditional character of Minneapolis residential neighborhoods. The new zoning regulations were in response to the impacts of teardowns in Minneapolis and the construction of dwellings that are out of character with the scale of the surrounding neighborhood. The changes included establishing a maximum gross floor area (FAR), reducing the maximum height of single- and two-family dwellings to preserve neighborhood views and access to sunlight, encouraging back yard open space and detached garages, and reducing water runoff through smaller building footprints and impervious surface areas allowed.

A floor area ratio is a calculation that is used to determine the floor area allowed for development based on the size of the property. In order to encourage traditional building features, certain portions of homes are not counted toward the FAR, including the following:

1. Detached garages
2. Attached garages that are 250 sq. ft. or less (one parking stall). Attached garages size in excess of 250 sq. ft. will be counted toward the total size of the home.
3. Half stories. This is area under a hip or gable roof that is half the square footage of the floor below. Half stories can be livable space, such as bedrooms.
4. Basements that do not project more than 4 ft. from grade.
5. Open porches

As of the writing of this staff report, staff has not received any correspondence from Cedar-Isles-Dean 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 floor area ratio from 0.66 to approximately .71 to allow for an addition to an existing single-family dwelling.

- 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.**

Staff finds that there are unique circumstances of the property, including the location of the basement that contributes to practical difficulties in complying with the ordinances. These circumstances have not been created by the applicant. The structure was constructed in 1991 in its present location. The existing basement has 1,203 square feet of floor area and is included in the maximum gross floor area. If the basement did not project at least 4 feet for more than 50% of the perimeter, the variance would not be required. Staff finds that these circumstances were not created by the applicant.

- 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.**

Staff finds that the applicant is proposing to use the property in a reasonable manner that is consistent with the zoning code and comprehensive plan. The purpose of regulating the bulk of a building is to ensure that new construction and additions are within the character of the area and to preserve neighborhood views and access to sunlight. The existing dwelling with the proposed addition will be in character with the adjacent dwellings along the block. Staff finds that the applicant is proposing to utilize the property in a reasonable manner consistent with the zoning code and comprehensive plan.

- 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.**

The proposed addition to the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood or be injurious to the use and enjoyment of property in the vicinity. The single-family home will remain in its present location and the existing dwelling exceeds the maximum floor area ratio, because of the location of the existing basement. The adjacent dwelling to the west is 3 stories in height. Staff finds that the proposed increase in floor area will be in character with the surrounding area. The proposed addition will be stucco to match the existing dwelling with 4-inch cedar lap siding on the second floor, which will be compatible with the existing dwelling. Finally, if granted the proposed variances will not be detrimental to the health, safety or welfare of the general public. The proposed addition will require a building permit and compliance with the applicable building codes.

**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. The subject property does not have steep slopes and the applicant will utilize best management practices during and after construction. Therefore, the subject site will not be significantly altered to adversely affect the water quality of the Cedar Lake.
- 2. Limiting the visibility of structures and other development from protected waters.**  
The new addition is consistent in height to the existing dwelling and will not significantly increase the structure's visibility from a protected water body.
- 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 the Cedar Lake. Therefore, the proposed additions will not impact watercraft usage on the lake.

**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 increase the maximum floor area ratio from 0.66 to approximately .71 to allow for an addition to an existing single-family dwelling located at 3407 28<sup>th</sup> Street West in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. The exterior materials used for the addition shall match the exterior materials of the principal structure on the property.
2. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by August 8, 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 Cedar-Isles-Dean Neighborhood Association
3. Zoning map
4. Survey/site plan
5. Building elevations
6. Floor plans
7. Photos