



CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #1
 March 20, 2014
 BZZ-6452

LAND USE APPLICATION SUMMARY

Property Location: 4023 Ewing Avenue South
Project Name: Development on steep slope in Shoreland Overlay District
Prepared By: [Andrew Liska](#), City Planner, 612.673.2264
Applicant: Augustine Investment
Project Contact: Jeremy Power, Bella Custom Homes
Request: Construction of a single-family dwelling with detached garage on a steep slope in the Shoreland Overlay District.

Required Applications:

Variance	To Chapter 551, Article VI Shoreland Overlay District specifically Section 551.470 (a) <i>Location prohibited except as authorized by variance...</i> Development in the SH Overlay District shall be prohibited on steep slopes.
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SITE DATA

Existing Zoning	RIA District SH Overlay District
Lot Area	5,418 square feet
Ward(s)	13
Neighborhood(s)	Linden Hills
Designated Future Land Use	Urban Neighborhood
Land Use Features	Urban Neighborhood
Small Area Plan(s)	Linden Hills Neighborhood Small Area Plan

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is approximately 42 feet by 129 feet (5,418 square feet) and is occupied by a one story single-family residence constructed in 1973. The property is served by a detached garage accessed from the alley in the rear.

The subject property is zoned RIA and SH Shoreland Overlay District. The survey of the property demonstrates a grade change exceeding 18 percent in the front yard (east side) of the residence. The elevation slopes down to Ewing Avenue South. Due to the grade on this site and its location in the Shoreland Overlay District, a variance is required for the construction of the proposed single-family dwelling and detached garage.

Date Application Deemed Complete	February 20, 2014	Date Extension Letter Sent	N/A
End of 60-Day Decision Period	April 21, 2014	End of 120-Day Decision Period	N/A

SURROUNDING PROPERTIES AND NEIGHBORHOOD. Surrounding properties and the Linden Hills neighborhood residential housing stock is mainly composed of one story and two story dwellings. A majority of these properties are single-family dwellings.

PROJECT DESCRIPTION. The applicant is seeking to demolish the structure down to the foundation and build a new two and one half (2 ½) story single-family dwelling. The proposed footprint utilizes the existing foundation and also expands upon it to the rear. The proposal demonstrates a full length basement.

PUBLIC COMMENTS. As of writing this report, staff has not received any correspondence from the Linden Hills Neighbors Association. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ZONING ANALYSIS. An analysis indicates that the proposed dwelling meets the minimum standards of a new single-family dwelling, as it received 20 out of 24 possible points for the provision of the following:

- Not less than one (1) off-street space is provided in an enclosed structure that is detached from the principal structure (5 points);
- The structure includes a basement as defined by the Building Code (5 points);
- The primary exterior building material is stucco, wood, and glass (4 points);
- Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows (3 points);
- The pitch of the primary roof line is equal to or greater than 6/12 (2 points);
- The development includes a deciduous tree in the front yard (1 point);

The minimum point total for a new single-family dwelling is 15.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of 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” based on the following [findings](#):

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.*

An existing single-family dwelling with detached garage is located on the steep slope.

2. *The foundation and underlying material shall be adequate for the slope condition and soil type.*

The foundation and underlying material is adequate for the slope condition and soil type. The proposed structure is utilizing much of the existing foundation as it is structurally sound.

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

The impact to the existing slope will be minimal as the applicant will be keeping the existing foundation nearest to the slope. No trees are being removed from the site and reducing erosion through silt fencing and piled soil will be utilized during construction.

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.*

There is no view of this slope from the protected water. The proposed development on the slope will be consistent with the rest of the neighborhood.

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 slope and proximity to the water body. The project area is located on a steep slope and is located in the SH Shoreland Overlay District. Any re-development on this parcel would require a variance.

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 intent of the ordinance is to protect both the water body and properties located below the steep slope from erosion and runoff. Staff finds that the applicants are proposing to use the property in a reasonable manner. The impact to the slope will be minimal as the applicants are seeking to utilize the existing foundation located closest to the slope. During construction, the contractor will provide erosion control practices through silt fencing and piled soil.

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 granting the variance will not alter the essential character of the area. The block where the construction is proposed is composed of a mixture of one story and two story single-family dwellings. The proposed structure is of similar size and composed of similar exterior building material. During construction, the applicants have demonstrated that all necessary precautions will be taken through soil erosion control practices. Further, granting of the variance will not 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.*

During construction, silt fencing and piled soil will prevent erosion from leaving this site and possibly polluting the protected water body. The slope itself will remain undisturbed and as much natural vegetation as possible will remain on the site during construction.

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

There is no visibility of the proposed development from the 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 site does not have direct access to the water body. The proposed project will not require the accommodation of any watercraft of any type on the water body.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to Chapter 55I, Article VI Shoreland Overlay District (55I.470) at the property located at 4023 Ewing Avenue South, subject to the following conditions:

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 March 20, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. PDR report
2. Written description and findings submitted by applicant
3. Zoning map
4. Site plan
5. Site survey
6. Plans
7. Building elevations
8. Photos
9. Correspondence