



CPED STAFF REPORT
Prepared for the Board of Adjustment

BOA Agenda Item #5
April 17, 2014
BZZ-6477

LAND USE APPLICATION SUMMARY

Property Location: 3564 Cleveland Street NE
Project Name: 3564 Cleveland Street NE Rear Additions
Prepared By: [Shanna Sether](#), City Planner, (612) 673-2307
Applicant: Brandon Turner
Project Contact: Brandon Turner
Request: To remodel an existing single-family dwelling to add a story, construct a two-story addition at the rear and an open front porch.

Required Applications:

| | |
|-----------------|---|
| Variance | To reduce the required front yard setback along 36 th Avenue NE from 35.3 feet to approximately 15 feet to allow for a rear two-story addition. |
| Variance | To reduce the required front yard setback along Cleveland Street NE from 35 feet to approximately 31.3 feet to allow for a new open front porch. |
| Variance | To reduce the required front yard setback along 36 th Avenue NE from 35.3 feet to approximately 8 feet to allow for a second floor remodel and to approximately 6 feet for a new cantilever. |

SITE DATA

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|-----------------------------------|--|
| Existing Zoning | RI Single-Family District SH Shoreland Overlay District |
| Lot Area | 6,506 square feet / .15 acres |
| Ward(s) | I |
| Neighborhood(s) | Waite Park Community Council |
| Designated Future Land Use | Urban Neighborhood |
| Land Use Features | Not applicable. |
| Small Area Plan(s) | Not applicable. |

| | | | |
|---|---------------|---------------------------------------|--|
| Date Application Deemed Complete | March 6, 2014 | Date Extension Letter Sent | |
| End of 60-Day Decision Period | May 5, 2014 | End of 120-Day Decision Period | |

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is approximately 54.5 feet by 119.4 feet (6,507 square feet) and the existing land use is a single-family dwelling with a detached garage accessed from a public alley at the rear. The existing dwelling is one and a half stories tall and is located on a reverse corner lot. The property is south of Hart Lake in Columbia Heights and is located in the SH Shoreland Overlay District; however, the property is not located within 40 feet of a steep slope.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties are all single-family dwellings. The property immediately to the north is vacant and adjacent to the Soo Line Railroad.

PROJECT DESCRIPTION. The applicant is proposing to construct a second story addition, a new two-story rear addition, a first floor bump-out and a new open front porch to the existing dwelling.

PUBLIC COMMENTS. Staff has not received correspondence regarding the requested variances. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the required front yard setback along 36th Avenue NE from 35.3 feet to approximately 15 feet to allow for a rear two-story addition; variance to reduce the required front yard setback along Cleveland Street NE from 35 feet to approximately 31.3 feet to allow for a new open front porch; variance to reduce the required front yard setback along 36th Avenue NE from 35.3 feet to approximately 8 feet to allow for a second floor remodel and to approximately 6 feet for a new cantilever, based on the following [findings](#):

- I. *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.*

All Variances: The circumstances upon which the variances are requested are unique to the parcel of land due to the platting of the land and the location of the existing dwelling. The applicant is proposing to construct a second story addition and first floor bump-out to the existing dwelling, a two-story rear addition and a new open front porch to the existing dwelling. The increase in the building footprint is 774 square feet and 1,089 square feet of gross floor area. The platting of the parcel requires a minimum 35.3 foot setback along 36th Avenue NE and a 35 foot setback along Cleveland Street NE, because the property is located on a reverse corner lot. Adhering to the minimum front, interior side and rear yard setbacks would reduce the area to build an addition to approximately 16% of the lot. Staff finds that these circumstances create a practical difficulty that was 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.*

All variances: The applicant is proposing to construct a second story addition and first floor bump-out to the existing dwelling, a two-story rear addition and a new open front porch to the existing dwelling on a reverse corner lot. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The neighboring dwelling to the southwest, is located approximately 68 feet to the proposed addition. The proposed open porch will be located approximately 12.5 feet away and the addition 17 feet away from the neighboring structure to the south. Staff finds that the applicant is proposing to use the property in a reasonable manner consistent with the spirit and intent of the ordinance and the 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.*

All variances: Staff finds that the granting of these variances would not be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the adjacent home on the neighboring lot to the southwest is located approximately 68 feet away from the planned addition. The adjacent dwelling to the south is located 12.5 feet from the open front porch and 17 feet from the two-story addition. The applicant is proposing to use fiber cement lap siding on the first floor and fiber cement shake siding on the second floor for the exterior material. In addition, the applicant will be providing the minimum required windows facing public streets, rear and interior side property lines for the proposed addition, as required by section 535.90(c) of the zoning code. In 2009, the City of Minneapolis adopted a text amendment to require specific design guidelines for open front porches. The zoning code requires that an open front porch not be enclosed with windows, screens or walls, but may include handrails not more than three feet in height and not more than 50 percent opaque. Further, the finish of the porch shall match the finish of the dwelling or the trim on the dwelling and not be raw or unfinished lumber.

If granted, the proposed variances will not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as it is constructed to current building codes. In addition, the proposed additions will be required to receive a building permit prior to construction.

FINDINGS REQUIRED BY THE MINNEAPOLIS CODE FOR DEVELOPMENT IN THE SHORELAND OVERLAY DISTRICT

4. *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 will provide an erosion control plan, if 500 square feet of earth is disturbed. Any erosion control measures are required be in place prior to and during construction and after determination that the site has been permanently stabilized. After construction, the area adjacent to the addition will be fully landscaped. Further, the proposed additions will be located outside of required side and rear yards which will allow for stormwater to maintained on the property. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Hart Lake.

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

The project area is not located on or near the top of a steep slope, but is located within the SH Shoreland Overlay District. The proposed construction is located over 900 feet from Hart Lake. The area between Hart Lake and the subject property is a large wooded vacant parcel and railroad property. Staff finds that the visibility of the proposed additions will be limited due to the existing topography and natural vegetation and will appear as it has for many years. Any views of the property from Hart Lake will be consistent with what has existed on this property for many years.

6. *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 over 900 feet from Hart Lake and does not have access to the lake directly.

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 reduce the required front yard setback along 36th Avenue NE from 35.3 feet to approximately 15 feet to allow for a rear two-story addition for the property located at 3564 Cleveland Street NE in the RI Single-Family District and SH Shoreland Overlay District, 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 April 17, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials used for the addition shall be consistent with the exterior materials of the principal structure on the property.
4. Windows shall comply with section 535.80(c) of the zoning code.

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 reduce the required front yard setback along Cleveland Street NE from 35 feet to approximately 31.3 feet to allow for a new open front porch for the property located at 3564 Cleveland Street NE in the RI Single-Family District and SH Shoreland Overlay District, 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 April 17, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The handrails shall not exceed 3 feet in height or be more than 50 percent opaque.
4. The finish of the porch shall match the finish of the dwelling or the trim on the dwelling.
5. Raw or unfinished lumber shall not be permitted on an open front porch.

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 reduce the required front yard setback along 36th Avenue NE from 35.3 feet to approximately 8 feet to allow for a second floor remodel and to approximately 6 feet for a new cantilever for the property located at 3564 Cleveland Street NE in the R1 Single-Family District and SH Shoreland Overlay District, 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 April 17, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials used for the addition shall be consistent with the exterior materials of the principal structure on the property.
4. Windows shall comply with section 535.80(c) of the zoning code.

ATTACHMENTS

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