

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-2332

Date: May 23, 2005

Applicant: Carl Moy & Kristine Boylan

Address of Property: 53 Forest Dale

Project Name: Moy-Boylan residence

Contact Person and Phone: Kristine Boylan 612 371-5295 (wk)

Planning Staff and Phone: Mike Cronin 952 941-7487

Date Application Deemed Complete: April 7, 2005

End of 60-Day Decision Period: June 6, 2005

End of 120-Day Decision Period: N/A

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R1

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 35

Legal Description: Not applicable for this application

Proposed Use: Expand this two story flat roofed residence by constructing a flat roofed third floor addition creating third story located on approximately the rear one half of the present roof area, and interior modifications to access and respond to the addition.

The addition will add two bedrooms and a bathroom to the home.

Conditional Use Permit: To increase the structure height to three stories in the Shoreland District

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 551.480 Height of Structures in the Shoreland District; 546.240. Building bulk requirements in the R1 District; Chapter 551. Overlay Districts, Article VII Flood Plain Overlay District; Chapter 531. Nonconforming Uses and Structures; 531.50. Expansion or alteration of nonconforming

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uses and structures, (g) Enlargements, expansions, relocations, structural alterations or intensifications in the FP Floodplain Overlay District.

Background: January 31, 2000, the City Planning Commission approved C-2019 to permit an addition to the south side of the home and an expansion into the Flood Fringe of the Flood Plain of Minnehaha Creek, recognizing the home is not in compliance with the regulatory flood protection elevation.

CONDITIONAL USE PERMIT –

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The addition on the roof the present home will have no effect on the floodplain nor increase the nonconformity of the home to the regulatory flood protection elevation. The flat roof of the addition and its placement at the back of the home mitigates any impact on the view from the parkland. The typically walkout design residences behind the applicant's on Forest Dale and on the higher south bank of the Creek present views of three level structures from the parkland. The narrow cross section and steep walls of the Creek and the flood control berm restrict the view of the home and the addition from the surface of the Creek.

2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The use of a flat roof holds the actual height after the addition to less than 35 ft. The flat roof of the addition and its placement at the back of the home further mitigates impacts on the view from surrounding properties. The grid has been broken in this area to reflect the meander of the Creek and the topography experienced north of the Creek. This creates a pattern of placement of the structures on the lots that is irregular and not symmetrical. This pattern creates and preserves multiple and irregular views from, of and between adjacent homes. At this site this effect is enhanced by the increasing grade of Forest Dale and therefore the homes behind the applicant's home. Existing mature trees on the site will remain and screen both the home and the addition. The design of the home and addition while modern, not traditional or contemporary, is consistent the diverse character of the design of the homes in the vicinity.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

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The home will continue to be used a single family residence and the addition on the roof will not increase the hardcover or the runoff from the site.

4. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.

No change in use is proposed

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

Relevant Policy: **4.14 Minneapolis will maintain the quality and unique character of the city's housing stock, thus maintaining the character of the vast majority of residential blocks in the city.**

Relevant Implementation Step:

Major renovations are important initiatives that will encourage residents to invest their time and equity in city houses to preserve the character of their homes.

Staff comment: Approval permitting the investment in the City represented by the proposed addition implements this policy.

Relevant Policy: **9.21 Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.**

Relevant Implementation Step:

Apply the form and density approach within the context of a neighborhood or a site and within the framework of The Minneapolis Plan and NRP Plans when evaluating the appropriateness of development proposals for specific sites.

Staff comment: The character of the proposed addition is consistent with and will reinforce the character of this the present home and the surrounding residential properties.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The approval of the proposed height of the addition will not increase its nonconformity in the Flood Plain Overlay District, and the home will remain in conformance with all other the provisions of the R1 District, and the Shoreland Overlay District.

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7. Additional considerations of 551.480 Height of Structures in the Shoreland Overlay District:

(1) Access to light and air of surrounding properties.

The use of a flat roof holds the actual height after the addition to less than 35 ft. The flat roof of the addition and its placement at the back of the home further mitigates impacts on the view from surrounding properties fronting on the Creek. The grid has been broken in this area to reflect the meander of the Creek and the topography experienced north of the Creek. This creates a pattern of placement of the structures on the lots that is irregular and not symmetrical. The grade of Forest Dale increases behind the applicant's home and therefore elevates these homes in relation to the applicant's home.

(2) Shadowing of residential properties or significant public spaces.

The home is located north of the parkland along the Creek and will have no shadowing effect on this public space. The use of a flat roof holds the actual height after the addition to less than 35 ft. The flat roof of the addition and its placement at the back of the home further mitigates potential impact of shadowing on the surrounding properties. The grade of Forest Dale increases behind the applicant's home and therefore elevates the homes behind the applicant's home mitigating the impact on residences to the north.

(3) The scale and character of surrounding uses.

The use of a flat roof holds the actual height after the addition to less than 35 ft. The flat roof of the addition and its placement at the back of the home further mitigates impacts on the view from surrounding properties fronting on the Creek. The design of the home and addition while modern, not traditional or contemporary, is consistent the diverse character of the design of the homes in the vicinity. Existing matures trees on the site will remain and screen both the home and the addition.

(4) Preservation of views of landmark buildings, significant open spaces or water bodies.

For the reasons noted above, present views from homes to the north of the applicant's home of the parkland along the Creek will be substantially preserved. No views from public areas will be affected.

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RECOMMENDATIONS

**Recommendation of the Department of Community Planning and Economic Development
– Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the Application for a Conditional Use Permit to allow the proposed third story addition to this home.

Attachments:

1. Statement submitted by the Applicant
2. Letter to Council Member and Neighborhood Group
3. Letter from applicant on neighborhood contacts
4. Area Map
5. Plans
6. Photos
7. Comment from neighbor at 30 Russell Court