



## CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment  
BOA Agenda Item #5  
September 15, 2016  
BZZ-7881

### LAND USE APPLICATION SUMMARY

*Property Location:* 3548 47<sup>th</sup> Ave S  
*Project Name:* 3548 47<sup>th</sup> Ave S Addition  
*Prepared By:* Peter Crandall, City Planner, (612) 673-2247  
*Applicant:* Joseph & Kristie Rossow  
*Project Contact:* Joseph Rossow  
*Request:* To allow a second story addition to an existing single-family dwelling.  
*Required Applications:*

<b>Variance</b>	To reduce the minimum corner sideyard setback along E 36 <sup>th</sup> St from 8 feet to 7 feet to allow a second story addition.
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### SITE DATA

<b>Existing Zoning</b>	RIA District Shoreland Overlay District
<b>Lot Area</b>	6,277 square feet
<b>Ward(s)</b>	12
<b>Neighborhood(s)</b>	Howe
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	N/A
<b>Small Area Plan(s)</b>	N/A

<b>Date Application Deemed Complete</b>	August 24, 2016	<b>Date Extension Letter Sent</b>	
<b>End of 60-Day Decision Period</b>	October 24, 2016	<b>End of 120-Day Decision Period</b>	

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The site is currently occupied by a two-story single family home permitted for construction in 1928.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding properties are predominantly single-family homes. The property is located within the Shoreland Overlay District and is immediately adjacent to the West River Parkway and Mississippi River Corridor.

**PROJECT DESCRIPTION.** The applicant is proposing to construct a second story 117 square foot addition to the existing single family structure to add a master bathroom. The addition is a vertical extension of a first floor den and will be built entirely within the footprint of the existing building. On this property, the minimum corner side yard requirement is 8 feet. The existing building is 7 feet from the property line along E 36<sup>th</sup> St. The addition would not alter the existing setback. A variance is required to reduce the minimum yard requirement to allow the building addition.

**PUBLIC COMMENTS.** As of the writing of this report, staff has not received any correspondence from the neighborhood group. Any additional correspondence received prior to the public meeting will be forwarded on to the Zoning 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 minimum corner side yard setback along E 36<sup>th</sup> St from 8 feet to 7 feet to allow a second story addition based on the following findings:

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.*

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The existing home was established before the zoning ordinance was put in place and is non-conforming with the current yard requirements. The addition, in its proposed location, requires utilizing the structural components of the existing home. Complying with the yard requirements would require demolition and reconstruction of the existing den.

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.*

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The applicant is proposing a second story addition that extends an existing building wall vertically without reducing the side yard. The existing structure extends 1 foot into the required yard. The addition would not limit access to air, light or open space or threaten the separation of uses for the property or adjacent properties. The request is reasonable and is consistent with the intent of the ordinance and with the policies of 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.*

The granting of the variance would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. The materials proposed for the addition are fiber cement shakes. While this choice is inconsistent with the existing stucco, staff feels that the decision to use a different material would not significantly alter the character of the structure. Additionally matching the color of existing stucco is very difficult. The addition is in keeping with the character of the existing structure and the surrounding area and is modest in bulk. The project will be in compliance with all current requirements for materials and windows and will not affect the health, safety or welfare of nearby properties.

### **Additional Standards for Variances within the SH Shoreland Overlay District**

In addition, the Zoning Board of Adjustment shall consider, but not be limited to, the following factors when considering conditional use permit or variance requests within the SH Shoreland Overlay District:

1. *The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

The addition will require no excavation of the property as all modifications are to be done to the second story of the existing structure and are entirely within the existing building footprint. The amount of impervious surface would not increase with the construction of the addition. The project poses no significant risks to the health of nearby public waters.

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

The project is over 1000 feet from the water line and is concealed from view by the steep bank of the river. The addition will not be visible from the protected waters.

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

This standard is not applicable for the proposed development.

## **RECOMMENDATIONS**

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application(s) by Applicant Name for the properties located at addresses:

### **A. Variance to decrease the minimum south corner side yard requirement.**

Recommended motion: **Approve** the variance application to reduce the minimum corner side yard requirement along E 36<sup>th</sup> Street from 8 feet to 7 feet to allow a second story addition to an existing single-family dwelling, 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 22, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

## **ATTACHMENTS**

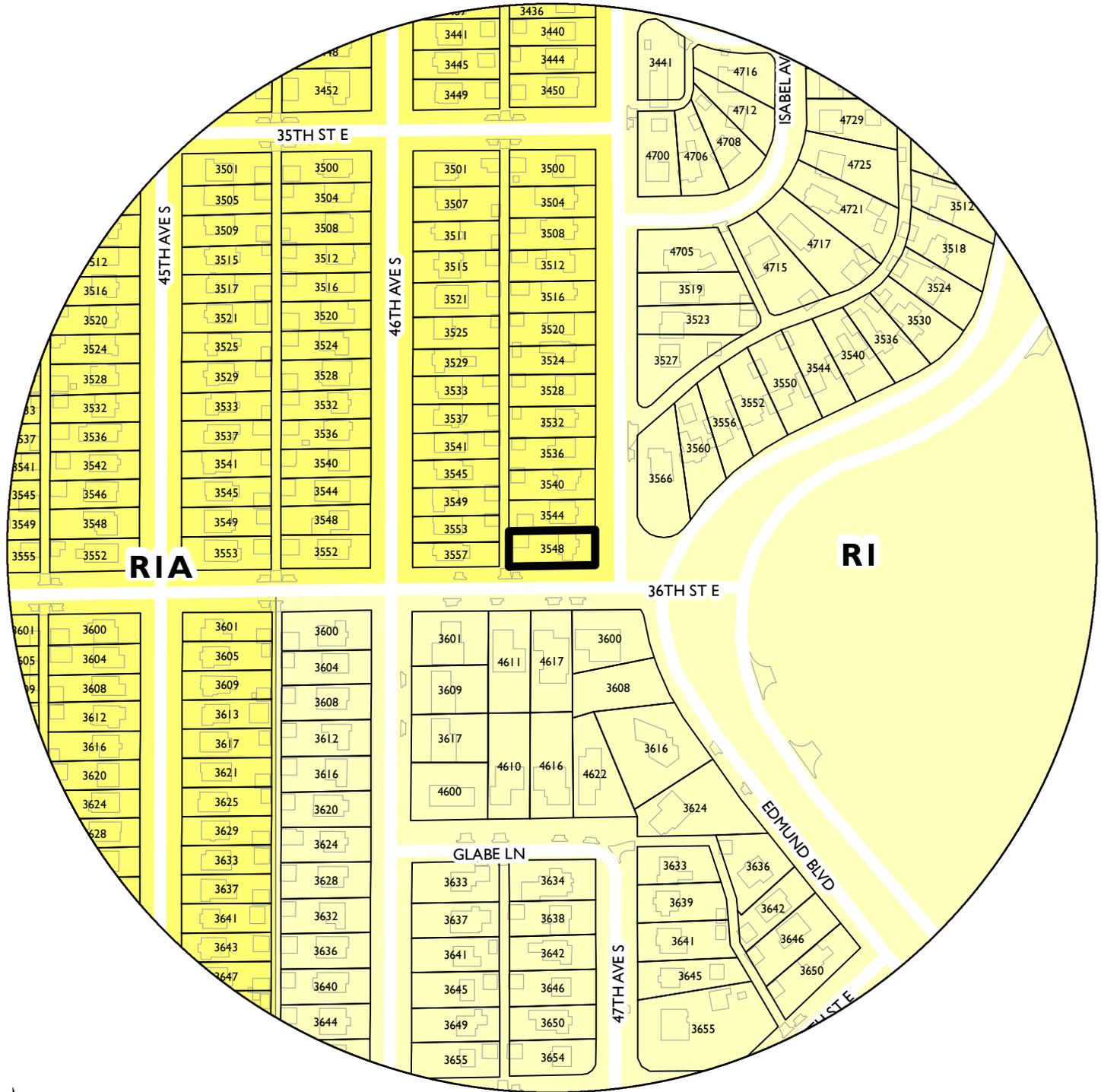
1. Zoning map
2. Written description and findings submitted by applicant
3. Survey
4. Site plan
5. Plans
6. Building elevations
7. Photos

Joe & Kristie Rossow

12th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS  
**3548 47th Ave S**

FILE NUMBER  
**BZZ-7881**

July 14, 2016

To Whom It May Concern:

Our home was built in 1928. It includes a main level 9x13 foot sunroom with a full basement. We would like to build a second story master bathroom on the existing footprint of the sunroom.

We live on the corner of 47<sup>th</sup> Ave. and 36<sup>th</sup> Street. Based on city ordinances we need to be 8 ft. away from the property line because of the fact that we are a corner house. Based off of Advance Surveying & Engineering Co. we are only 7.1 feet away from the property line. Therefore, we are 11 inches short of the ordinance.

Structurally if we move the addition on the second floor 11 inches back it will create structural and visual issues for our home. Since we only have 1 full sized bathroom on the second floor for 4 people (2 teenagers) we are requesting a variance to build a master bathroom on top of the existing structure.

We would be using this addition as a master bathroom directly connected to the master bedroom. All of our plumbing, heating, and mechanical pipes are located on the 36<sup>th</sup> street side of the house directly below the proposed master bathroom. Since we are moving existing windows, we will make sure to have 15% windows on the second floor.

The addition would not alter the character of our neighborhood because it would be the exact same footprint as the main level sunroom. We would be building on the existing structure that has been there since 1928 so there would be no safety issues to the public.

# ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minneapolis, MN 55345 Phone (952) 474 7964 www.advsur.com

SURVEY FOR: **ISENBERG & ASSOC.**

SURVEYED: July 22, 2015 DRAFTED: July 22, 2015

ADDRESS: 3548 47th Avenue South, Minneapolis

LEGAL DESCRIPTION: Lot 13, Block 1, Rearrangement of Seven Oaks River Lots, Hennepin County, Minnesota.

### SCOPE OF WORK:

1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. Showing elevations on the site at selected locations. The elevations shown relate only to each other.
5. Showing and tabulating hard cover and area of the lot for your review and for the review of such governmental agencies as may have jurisdiction over hard cover requirements.

### STANDARD SYMBOLS & CONVENTIONS:

" " Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

### CERTIFICATION:

I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a licensed Professional Engineer and Professional Surveyor under the laws of the State of Minnesota.

Signature: *James H. Parker* Typed Name: James H. Parker

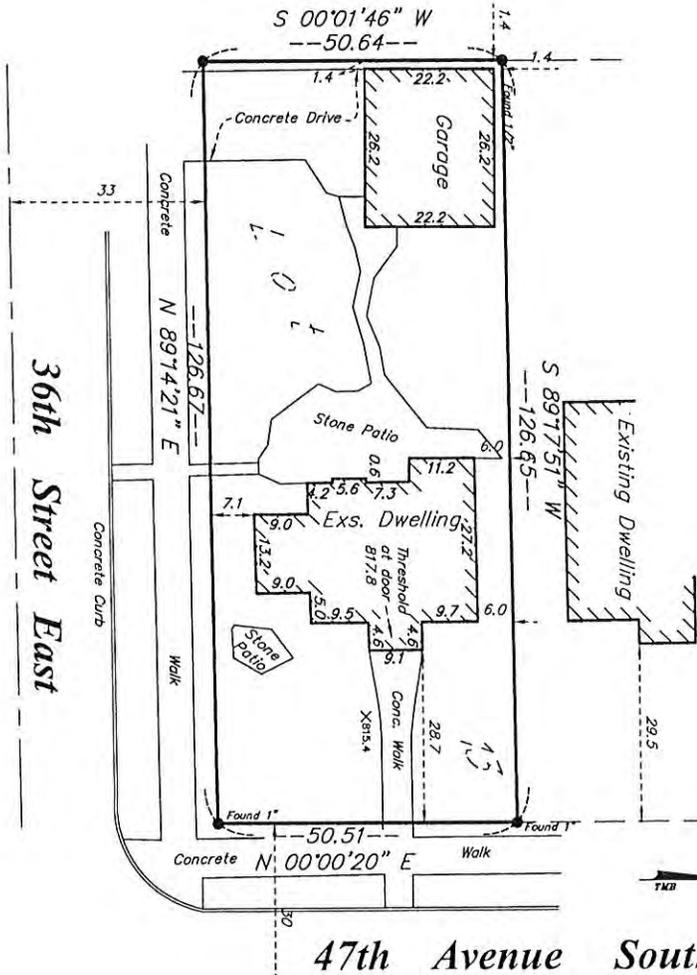
Date: July 22, 2015 Reg. No. 9235

EXISTING HARDCOVER	
House	870 Sq. Ft.
Garage	592 Sq. Ft.
Conc Walk E. Side	170 Sq. Ft.
Conc Walk S. Side	13 Sq. Ft.
Concrete Drive	449 Sq. Ft.
Stone Patio East House	54 Sq. Ft.
Stone Patio Back Yard	538 Sq. Ft.
<b>TOTAL EXISTING HARDCOVER</b>	<b>2,678 Sq. Ft.</b>
<b>AREA OF LOT</b>	<b>6,405 Sq. Ft.</b>
<b>PERCENTAGE OF HARDCOVER TO LOT</b>	<b>41.8%</b>



( IN FEET )

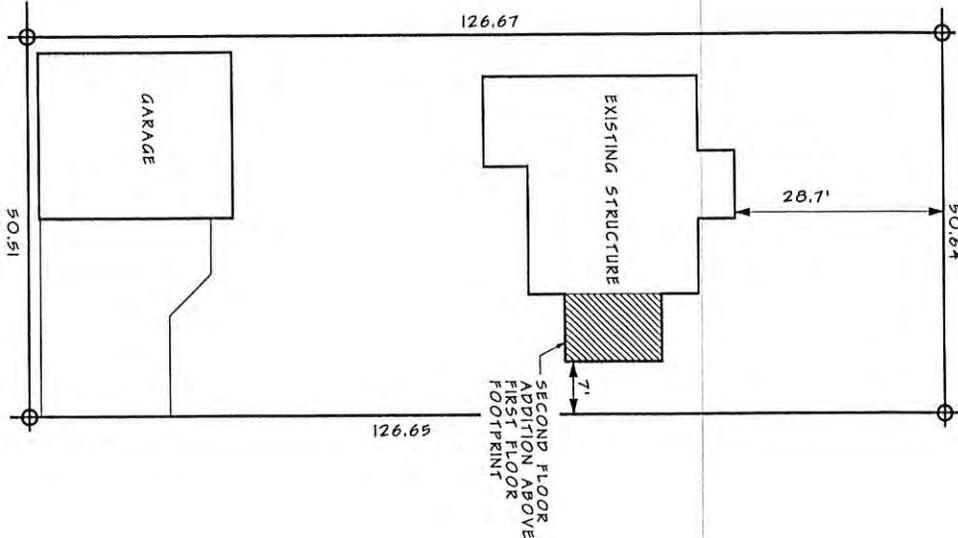
DRW. NO. 150591 TB



1724 sq Dwelling

## General Notes:

- The Project is a second story master bath addition and interior build out over an existing single story portion of a two story residence in South Minneapolis. The roof of the existing one story room will be removed and the addition built over those existing walls and footprint. Existing building setbacks remain as is.
1. All work shall comply with the 2015 IRC, 2015 Minnesota State Building Code, and other Federal, state and city applicable codes and regulations.
  2. The contractor(s) shall verify all existing conditions, dimensions and alignments with existing construction and shall report any discrepancies before proceeding.
  3. The contractor(s) shall obtain all necessary permits, licenses, approvals and certificates, pay all associated fees and display on the property throughout construction.
  4. Contractor shall furnish safety data sheets for all materials used.
  5. Contractor shall be responsible for scheduling all required inspections.
  6. The contractor(s) shall furnish and install all items necessary to insure good workmanship and installation common to the trades, even though such items are not specifically mentioned on the drawings or documents.
  7. The contractor(s) shall at all times keep the premises free from waste material and rubbish caused by the work.
  8. On completion of the project, the contractor(s) shall clean all surfaces and leave the work in a clean condition.
  9. The contractor(s) shall repair or replace any damage caused to existing property during construction.
  10. All concealed wood construction materials are to be fire retardant treated.
  11. For all communications, data and security systems by owner, the GC shall coordinate requirements of installation and location.
  12. Field verify all dimensions indicated on plans.
  13. Mechanical, electrical, and plumbing scope is design/build by licensed entities and shall comply with all applicable code requirements. Design and engineering created by others is not the responsibility of the architect and implies no professional obligation or contractual relationship with the architect, unless mutually agreed upon in writing. Subcontractors are to submit drawings and specifications for all systems, both new and modified, to the city for their review and approval and to obtain all required permits, approvals and inspections.
  14. Coordinate all light fixture locations and types with Owner and architect prior to ordering and installation. Provide cut sheets for Owner approval.
  15. Contractor to provide temporary bracing as required for Owner approval.
  16. Interior walls shall receive 1 coat primer and 2 finish coats of paint unless otherwise noted.
  17. All products shall be furnished and installed according to manufacturer's recommended installation requirements and specifications.

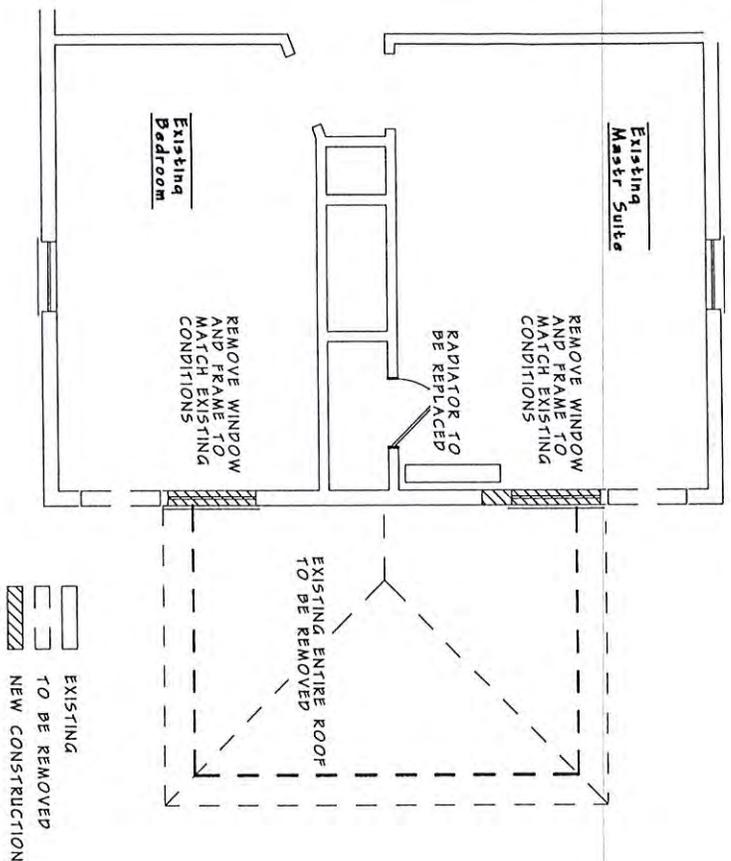


## Key/Site Plan

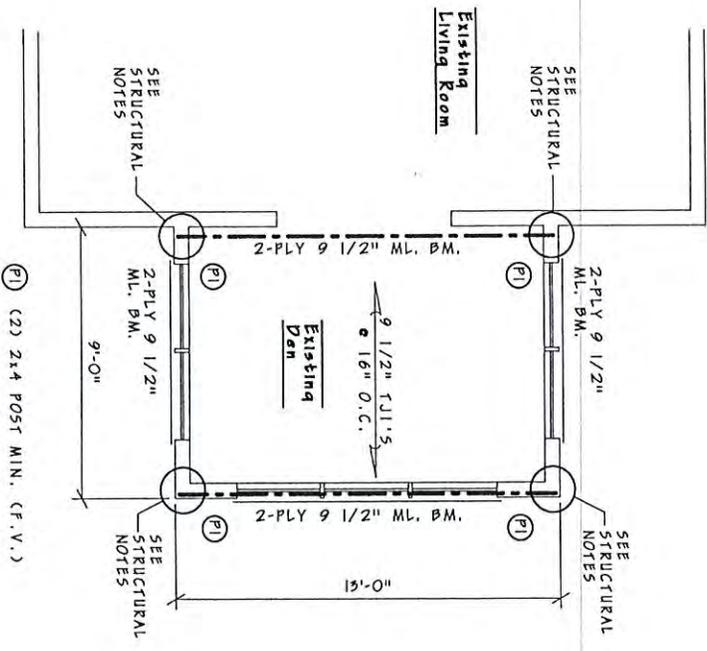
SCALE: 1/16" = 1'-0"  
 Site plan is for reference only.  
 Refer to attached survey  
 prepared by Advanced Survey  
 for further site information  
 and details.



DRAWN BY: <b>HARTS DESIGN</b> <small>(952) 822-5904</small>	Isenberg+Associates 3505 West 28th Street Minneapolis, MN 55416 612-799-5217	Contractor:	Project Site: 3548 47th Ave So Mpls MN
DATE: 7-29-2015 8-03-2016	SHEET A1		



**1 Second Floor Master Demolition**  
SCALE: 1/4" = 1'0"

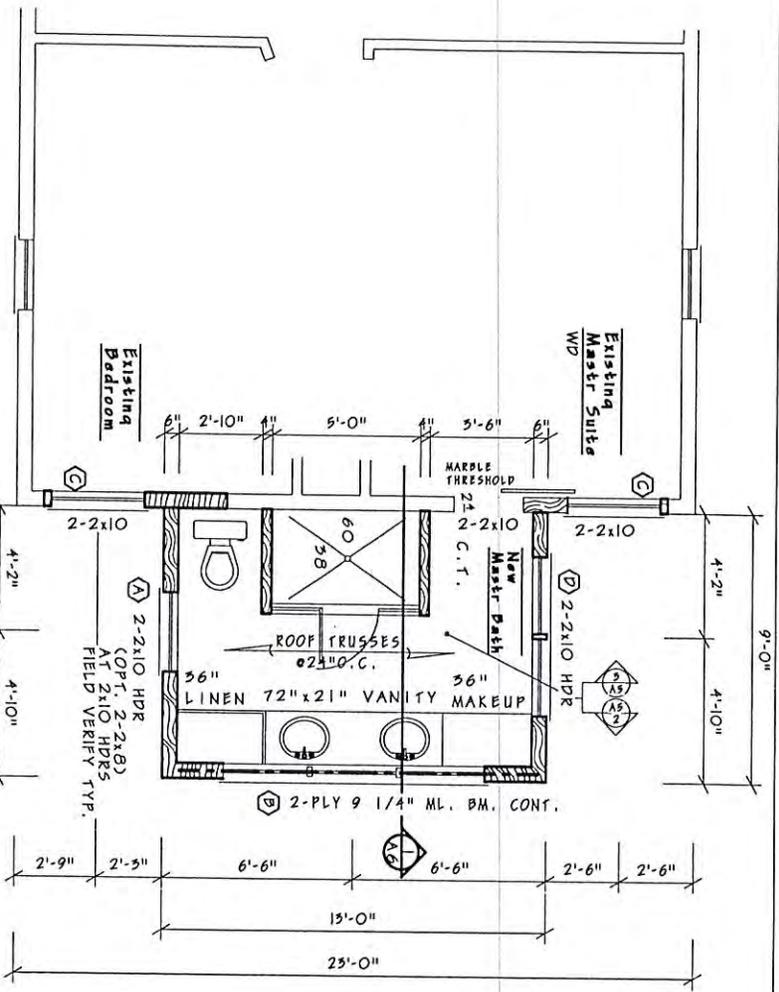


**2 Main Floor Existing Framing & Second Floor Framing plan**  
SCALE: 1/4" = 1'0"



GENERAL NOTE:  
 FOR STRUCTURAL NOTES  
 SEE ENGINEERS LETTER

DRAWN BY: <b>HARTS DESIGN</b> (920) 828-9000	DATE: 7-29-2015 9-03-2016	Isenberg+Associates 3905 West 28th Street Minneapolis, MN 55416 612-799-3217	Contractor:	Project Site: 3548 47th Ave So Mpls MN



**1 Second Floor Master Bath Addition**  
SCALE: 1/4" = 1'-0"

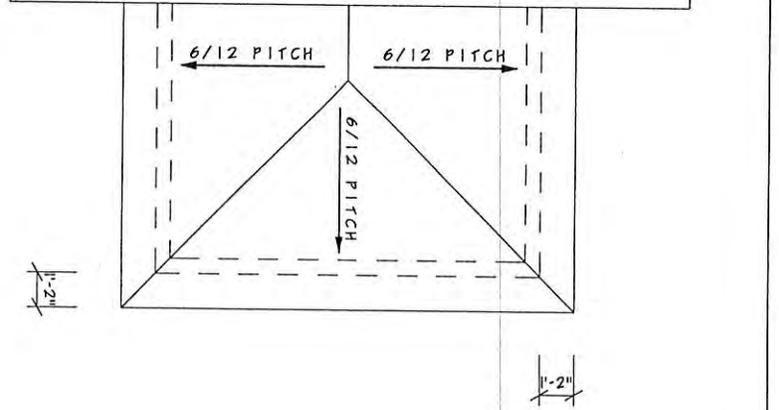
NOTE:  
MASTER BATH TO BE OF  
9'-0" HEIGHT  
ALL EXTERIOR AND INTERIOR  
HDRS TO DOORS AND  
WINDOWS TO BE OF 2-2 x 10  
UNLESS NOTED.

GENERAL NOTE:  
FOR STRUCTURAL NOTES  
SEE ENGINEERS LETTER

EXISTING  
NEW CONSTRUCTION

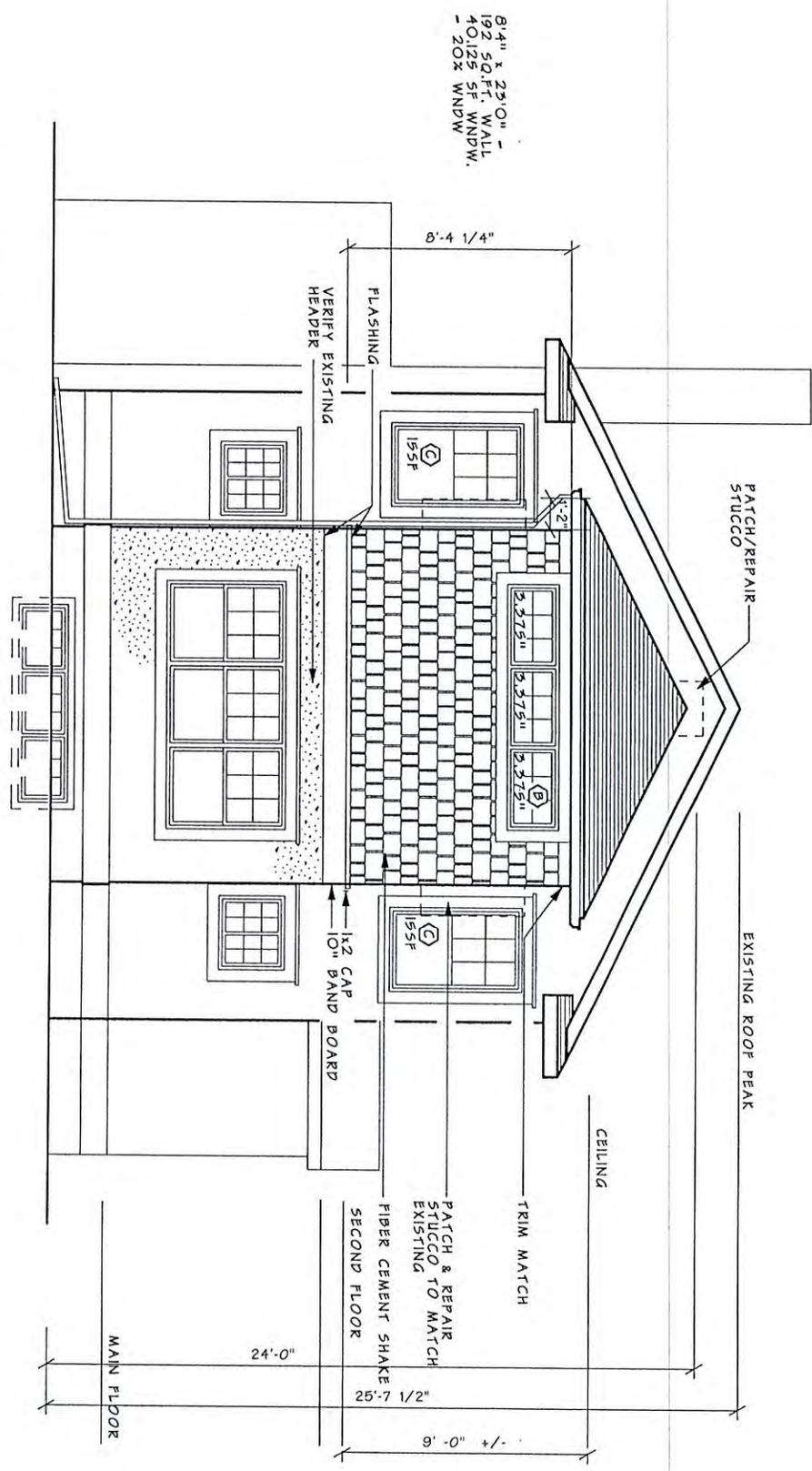
WINDOW	ROUGH OPNG	HDR HEIGHT
(A) DH 5547	2'-9 3/4" x 3'-11 3/4"	6'-11"
(B) 5521 (x3)	2'-11 5/4" x 1'-9 3/4"	8'-1 1/2"
(C) DH 5759	3'-1 5/4" x 4'-9 3/4"	6'-11"
(D) DH 5541	2'-9 3/4" x 3'-5 3/4"	6'-11"

**2 New Roof Plan**  
SCALE: 1/4" = 1'-0"

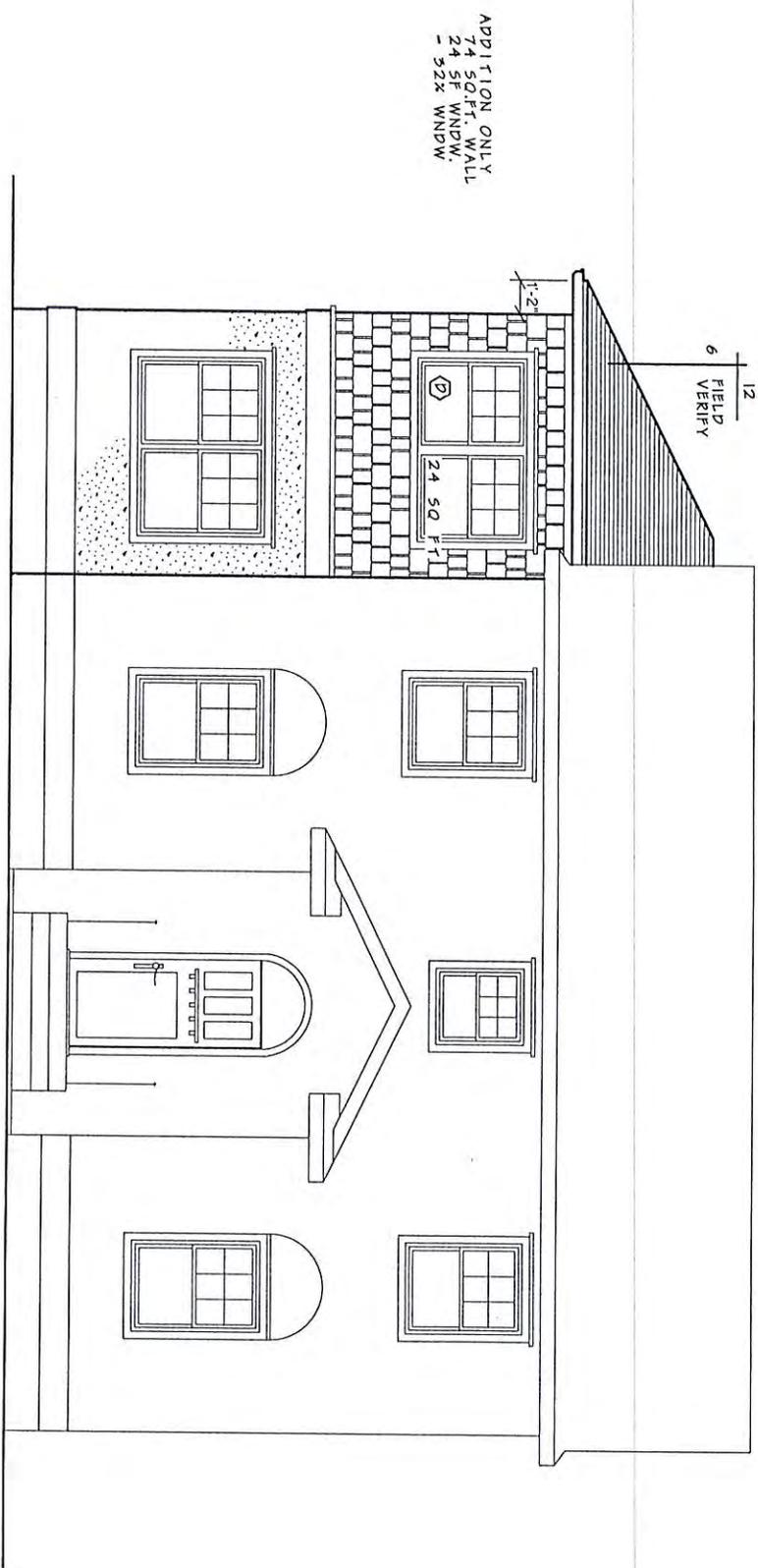


SHEET A3	DATE: 7-29-2015 9-03-2016	DRAWN BY: HART'S DESIGN	Isenberg+Associates 3905 West 28th Street Minneapolis, MN 55416 612-799-3217	Contractor:	Project Site: 3548 47th Ave So Mpls MN
	990 528 - 990				

1 South Elevation  
SCALE: 1/4" = 1'-0"



SHEET A4	DATE: 7-29-2015	ISENBERG ASSOCIATES 3505 West 28th Street Minneapolis, MN 55416 612-799-3217	Contractor:	Project Site: 3548 47th Ave So Mpls MN
	DATE: 8-03-2016			



2 East Elevation  
SCALE: 1/4" = 1'0"

SHEET A5	DATE: 7-29-2015	DRAWN BY: <b>HARTS DESIGN</b> 1992 224 - 7924	Isenberg+Associates 3905 West 28th Street Minneapolis, MN 55416 612-799-3217	Contractor:	Project Site: 3548 47th Ave So Mpls MN
	DATE: 8-03-2016				



SOFFIT W/CONTINUOUS VENT  
 ATTIC VENTING THROUGH EXISTING,  
 OR PROVIDE NEW VENT IN WEST ROOF  
 PORTION, LOCATED PER CODE AND SHOWN  
 ON WEST ELEVATION.  
 2x4 LOOKOUTS

12  
 FIELD  
 VERIFY  
 6

74 SQ.FT. WALL  
 12 SF WNDW.  
 - 16x WNDW.

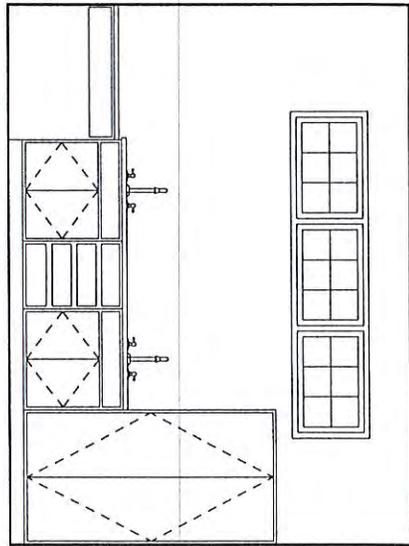
MATCH TRIM TO  
 EXISTING WNDWS

FIBRE/CEMENT SHAKE

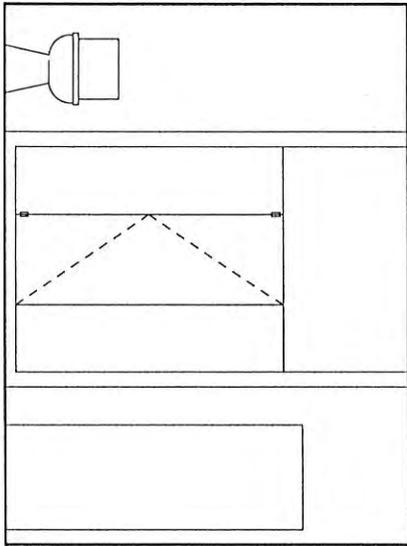
1x2 MIRATEC CAP  
 10\"/>

**2** West Elevation  
 SCALE: 1/4" = 1'0"

SHEET A0	Date: 7-29-2015	DRAWN BY: <b>HART'S DESIGN</b> (952) 620-1900	Isenberg+Associates 3509 West 28th Street Minneapolis, MN 55416 612-799-9217	Contractor:	Project Site: 3548 47th Ave So Mpls MN
	Date: 8-03-2016				

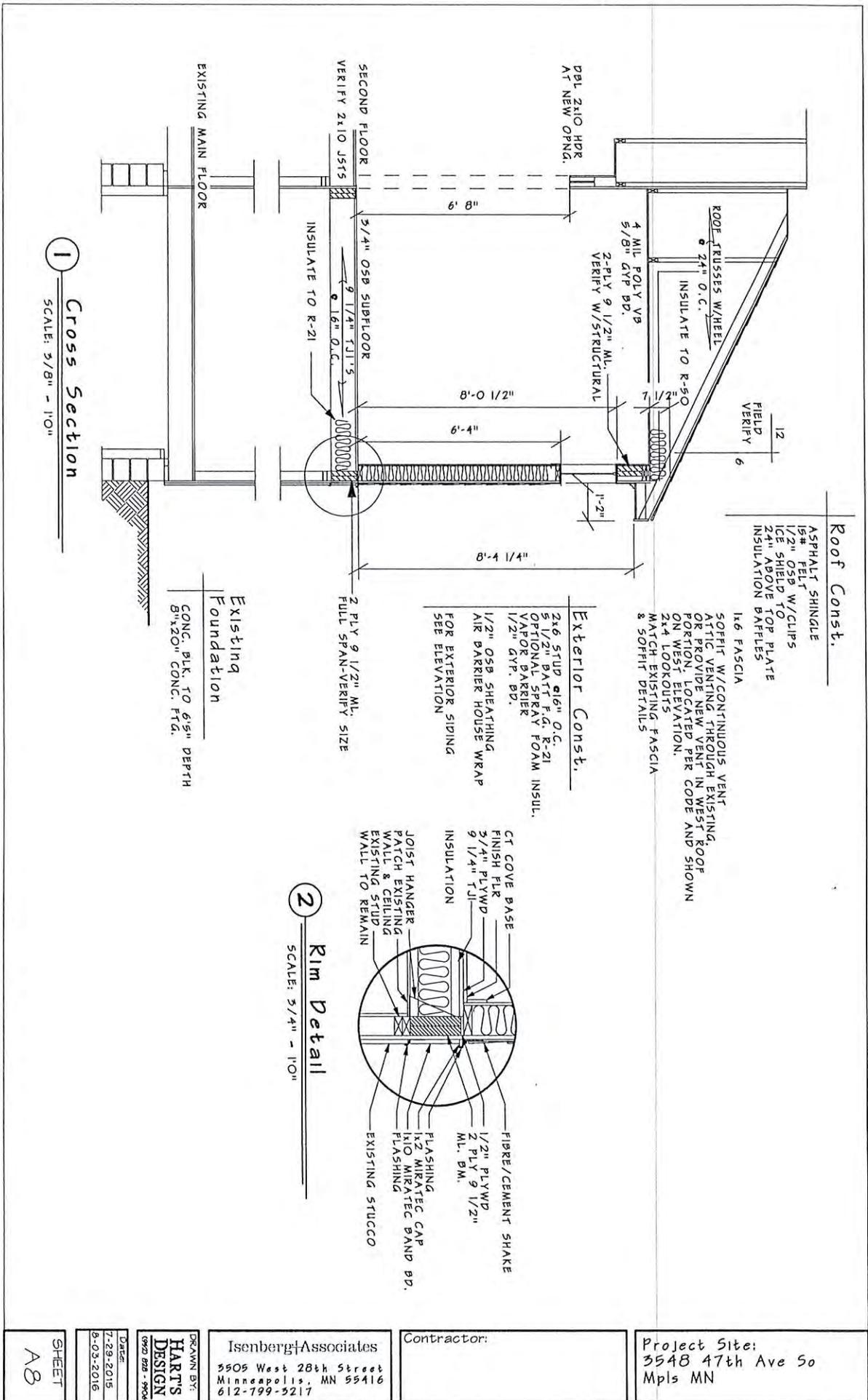


**2**  
Interior Elevation  
SCALE: 3/8" = 1'0"



**3**  
Interior Elevation  
SCALE: 3/8" = 1'0"

SHEET A7	Date: 7-29-2015 8-05-2016	DRAWN BY: <b>HART'S DESIGN</b> (952) 828-7964	Isenberg Associates 5505 West 28th Street Minneapolis, MN 55416 612-799-5217	Contractor:	Project Site: 3548 47th Ave So Mpls MN



**Roof Const.**

- ASPHALT SHINGLE
- 15# FELT
- 1/2" OSB W/CLIPS
- ICE SHIELD TO
- 24" ABOVE TOP PLATE
- INSULATION
- BAFFLES

- 1x6 FASCIA
- SOFFIT W/CONTINUOUS VENT
- ATTIC VENTING THROUGH EXISTING,
- OR PROVIDE NEW VENT IN WEST ROOF
- PORTION, LOCATED PER CODE AND SHOWN
- ON WEST ELEVATION.
- 2x4 LOOKOUTS
- MATCH EXISTING FASCIA
- & SOFFIT DETAILS

**Exterior Const.**

- 2x6 STUP @16" O.C.
- 5/2" BATT F.G. R-21
- OPTIONAL SPRAY FOAM INSUL.
- VAPOR BARRIER
- 1/2" GYP. BD.
- 1/2" OSB SHEATHING
- AIR BARRIER HOUSE WRAP
- FOR EXTERIOR SIDING
- SEE ELEVATION

**Existing Foundation**

- CONC. PLK. TO 6'S" DEPTH
- 8"x20" CONC. FTG.

**2 Rim Detail**

SCALE: 3/4" = 1'0"

- CT COVE BASE
- FINISH FLR
- 3/4" PLYWD
- 9/16" TJI'S
- INSULATION
- JOIST HANGER
- PATCH EXISTING
- WALL & CEILING
- EXISTING STUD
- WALL TO REMAIN
- FIBRE/CEMENT SHAKE
- 1/2" PLYWD
- 2 PLY 9/16"
- ML. BM.
- FLASHING
- 1x2 MIRATEC CAP
- NIO MIRATEC BAND
- FLASHING
- EXISTING STUCCO

**1 Cross Section**

SCALE: 3/8" = 1'0"

SHEET <b>A8</b>	DRAWN BY: <b>HART'S DESIGN</b> <small>(952) 628-9906</small>	Isenberg+Associates 5505 West 28th Street Minneapolis, MN 55416 612-799-9217	Contractor:
Date: 7-29-2015 9-03-2016	Project Site: 3548 47th Ave So Mpls MN		





