



CPED STAFF REPORT
Prepared for the Board of Adjustment

BOA Agenda Item #8
September 11, 2014
BZZ-6751

LAND USE APPLICATION SUMMARY

Property Location: 4905 Beard Avenue South
Project Name: 4905 Beard Avenue South – Variance for Construction of a New Single-Family Dwelling
Prepared By: Andrew Liska, City Planner, 612.673.2264
Applicant: Custom Renovations and Builders, LLC
Project Contact: Craig Peterson
Request: Variance to increase maximum permitted floor area ratio.
Required Applications:

Variance	To increase the maximum allowed Floor Area Ratio (FAR) from .5 to .671 for the construction of a new single-family dwelling
-----------------	---

SITE DATA

Existing Zoning	RIA
Lot Area	5,334 square feet
Ward(s)	13
Neighborhood(s)	Fulton
Designated Future Land Use	Urban Neighborhood
Land Use Features	N/A
Small Area Plan(s)	N/A

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is zoned RIA and is approximately 42 feet by 128 feet (5,334 square feet). It is served by a detached garage to the rear that is accessed from the alley. The two story single-family dwelling is still under construction and is unoccupied. The dwelling has a FAR of .671 due to the height of the basement above grade over 4 feet of the basement being exposed for over 50% of the total perimeter. A stop-work order was posted on August 6, 2014, when it was discovered that the Floor Area Ratio (FAR) exceeded the maximum permitted .50.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The property to the south, 4909 Beard Avenue South, is a two story single-family dwelling that was remodeled in 2009. The property to the north, 4901 Beard Avenue South, is a split-level, single-family dwelling. Across the street, 4901 Chowen Avenue South is Lake Harriet United Methodist Church. North of 49th Street West is Pershing Park.

Date Application Deemed Complete	August 19, 2014	Date Extension Letter Sent	N/A
End of 60-Day Decision Period	October 18, 2014	End of 120-Day Decision Period	N/A

Surrounding properties and the Fulton neighborhood housing stock as a whole is composed of a diversified mix of old and new dwellings ranging from traditional single-story to modern two-and-one-half-story dwellings.

PROJECT DESCRIPTION. The applicant applied for a land-use application (BZZ-6376) on December 4, 2013. Based on the initial submission, zoning staff mailed an incomplete letter and included in the necessary revisions was the following comment: *"The elevations on page A1 indicate that the finished grade is unknown with the phrase, "number of risers may vary depending on finished grade." Please be aware that if four feet of the basement is above grade, it will be considered a floor. This would be a major problem as three (3) story structures are not permitted in this district and the floor area ratio would exceed the maximum of .50."* A copy of this letter can be found in the attachments.

Revised plans were submitted on December 10, 2014, and they were reviewed and approved by Zoning and Plan Review on January 3, 2014. Approved plans for this dwelling called for a Floor Area Ratio of .4522 with the first floor at 1,164 square feet and the second floor at 1,248 square feet. (1,164 square feet + 1,248 square feet = 2,412 square feet / 5,334 square feet (lot size) = .4522.) The approved site plan/survey shows the lowest grade around the proposed structure at 861.6; the Top of Block (TOB) at 864.5; and the First Floor Elevation (FFE) at 865.4. The top of the first floor is shown at 3.8 feet maximum above grade. The Zoning Code does not count basements towards FAR provided that they are not more than 4 feet above grade; the FAR was not an issue and the proposed plans were approved.

During a routine land-use permit inspection, it was discovered that the building on the site did not match the approved plans as the height from grade to the first floor exceeded the approved 3.8 feet. An as-built survey confirmed that the FFE (First Floor Elevation) was over the maximum permitted 4 feet for 100% of the perimeter. The Zoning Code states that if 4 feet of the basement is exposed for over 50% of the total perimeter it is to be counted towards the FAR. No point of the exposed basement is less than 4.5 feet thus the basement is included in the FAR calculation. The basement is 1,164 square feet putting the FAR for this structure at .671.

Although it does not apply to this variance, the code regulating basement height above grade is in the process of being amended from 4 feet to 2.5 feet.

The applicant is seeking a variance to the maximum FAR from .50 to .671 to allow for the structure as constructed.

PUBLIC COMMENTS. Staff received correspondence from the Fulton Neighborhood Association stating they will review the variance request at an upcoming meeting and will provide comments to staff. Any additional correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ZONING ANALYSIS. At the time of approval, this project was awarded 19 out of 24 Design Standard Points. Below are the design standard points this proposal was awarded:

- Not less than one (1) off-street parking space per dwelling unit 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);
- Not less than twenty (20) percent of the walls on each floor facing a public street are windows (3 points);

- Not less than ten (10) percent of the walls on each floor that face the interior side and rear, are windows (3 points);
- The pitch of the primary roof line is 6/12 or steeper (2 points);
- The structure includes an open, covered front porch of at least seventy (70) square feet that is not enclosed with windows, screens, or walls, provided there is at least one existing open front porch within hundred (100) feet of the site (1 point);

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(3) "to vary the gross floor area, floor area ratio, and seating requirements of a structure or use," 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.*

There are no unique aspects to this parcel that create a practical difficulty in complying with ordinance. This is a new dwelling and what was built did not match the plans that Zoning and Plan Review approved and thus, the applicant created this difficulty.

The applicant notes that the durability of the existing foundation was in question and a structural engineer suggested adding supports to reinforce the foundation. On January 17, 2014, the applicant applied for a building permit to "install 10 helical piers to the foundation of the single-family dwelling." No part of this approved permit allowed for the increase in height of the basement or any exterior changes – helical piers are installed directly into the ground. As far as any inquiry regarding increased height to a structure, detailed plans, elevations, and confirming the proposal would meet the requirements for the basement height and overall height of the dwelling. There is no record of the applicant proposing any of this work.

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 overall use as a single-family dwelling is reasonable however; the manner in which the building is constructed is not. The spirit and intent of the ordinance is being violated with the height of the basement. The ordinance is very clear regarding building bulk; the proposed variance greatly exceeds the maximums and undermines the spirit and intent of the ordinance in creating a uniform built environment.

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 Zoning Code is very clear about maximum Floor Area Ratio and the proposed variance greatly exceeds the .50 maximum. Although the basement is not tall enough to be considered a story based on the Building Code definition (must be 6 feet above grade), it is in violation of Zoning Code which aims to keep dwellings low and thus, similar to surrounding dwellings. This proposed height of the basement would adversely affect the character of the area if approved. The first floor of the dwelling

extends high above the first floor elevations of the two adjacent homes. Health, safety, and welfare of the general public will not be compromised if this variance is granted.

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 **deny** the application for a variance to increase the maximum allowed Floor Area Ratio (FAR) from .5 to .671 for the construction of a new single-family dwelling at 4905 Beard Avenue South.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan/Survey
4. As-Built Survey
5. Building elevations
6. Floor plans
7. Photos
8. Copy of Stop-Work Order
9. Incomplete Letter for Admin I-4 Dwelling Unit (dated December 5, 2013)
10. Correspondence

footages equates to a floor ratio of 0.671 which, unfortunately, exceeds the 0.5 maximum floor ratio, as defined in the zoning code.

Due to the requirement of the current zoning code, the most practical solution would be to reduce the basement ceiling height by approximately 10-12 inches due to the fact that final grade has not been established. Reducing the basement ceiling height by approximately 10-12 inches would result in the basement square footage not to be counted towards the floor ratio calculation and would yield a floor ratio under the required maximum of 0.5. The practical difficulties that arise with the decision, or others at this stage in the build process, are numerous.

The practical difficulty encountered with removing the additional course of block, and one original course below it, is that it would require temporarily lifting the existing structure, removing the block and reinforcements, preparing the existing block, and lowering the house back down. The potential safety issues related with the lifting of the structure, modifying the foundation, and lowering the house make this an impractical solution. In addition, the process of lifting the house arises new potential for the existing two-story structure to shift out of place and potentially compromise the integrity of the structure along with neighboring properties due to unstable soils, common to this area of the city. This method also returns the foundation to its less-stable state, which is not practical.

An unrelated practical difficulty that arises is that the family that has purchased this home was scheduled to move into the property at the end of the month to coincide with their child starting the new school year. In addition, the family has sold their current home and will potentially need to establish temporary residence until the completion of their new house. Any delays in the construction of the home result in extra arrangements needing to be made on the family's part to establish temporary housing until the home is completed.

Our intent on this new construction was never to deviate from the current zoning code and at no point during construction did we believe otherwise. With the future homeowner's input, we designed the plan to fit the current trend of two-level housing in the Minneapolis area. The addition of the extra course of block to the foundation was in the interest of stability, longevity, and overall engineered structural integrity of the structure – not of economic value or preference. The additional course of block does not establish a full 8' ceiling height in the basement or obtain a more-desirable view of the surroundings.

In summary, practical difficulties have brought us to the conclusion that a variance is necessary. The variance, if approved, would provide a desirable solution that doesn't affect the spirit or intent of the ordinance and also does not affect the safety or well-being of the public or the future homeowners. It should be stressed that variances are not commonplace for us and that they are deemed necessary only when no other solutions are presented as practical.

Sincerely,



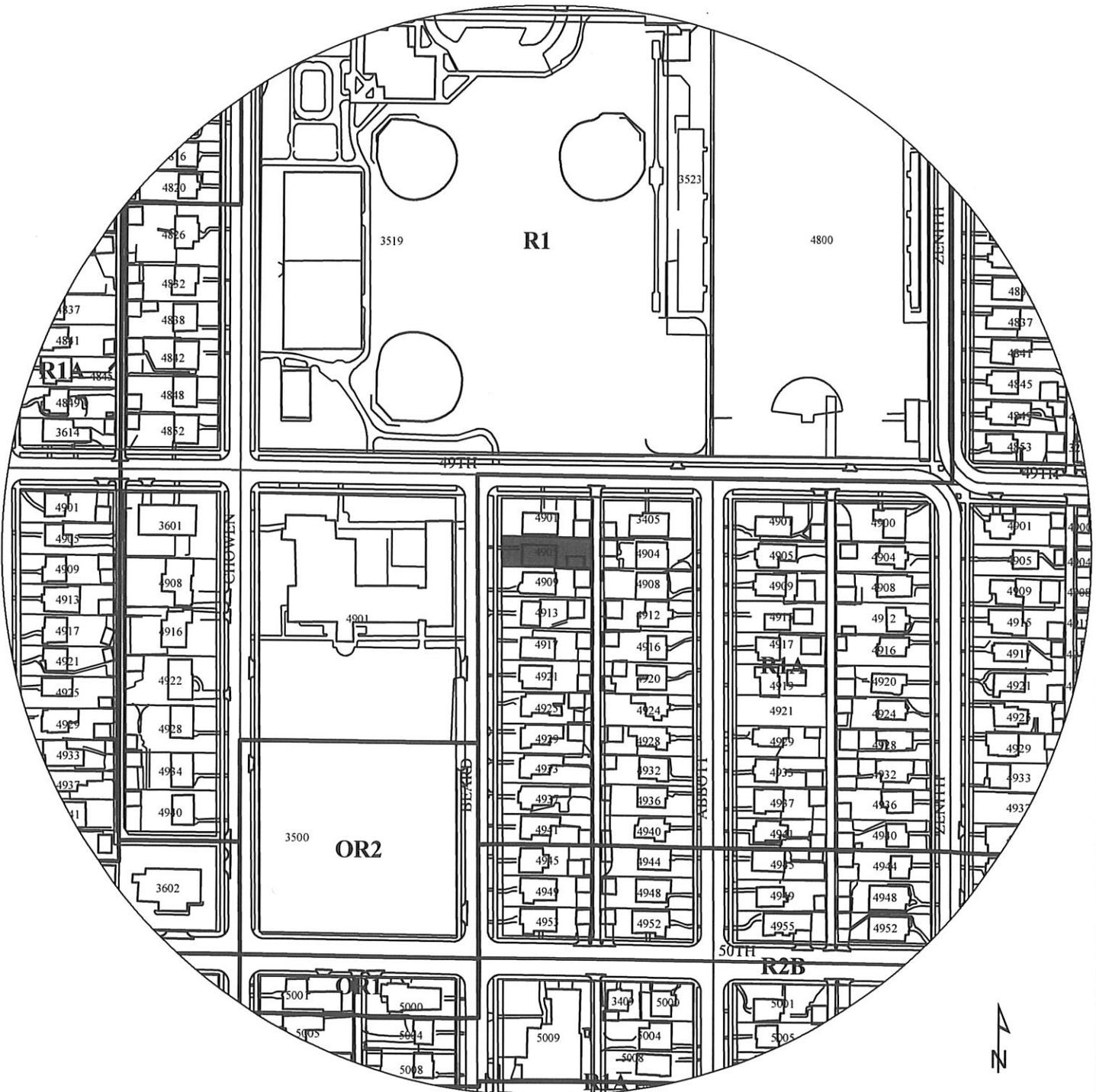
Craig Peterson

Co-Owner

Custom Renovations & Builders, LLC.

NAME OF APPLICANT

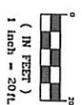
WARD



CERTIFICATE OF SURVEY

FOR CUSTOM RENOVATIONS
ADDRESS: 4905 BEARD AVE. SO.
MINNEAPOLIS, MN

LEGAL DESCRIPTION
Lot 27, Block 5, STEELE'S LAKE
HARRIET PARK ADDITION TO
MINNEAPOLIS, Hennepin County,
Minnesota.



NOTES

- FIELD WORK CONDUCTED ON JULY 24TH, 2013.
- BEARINGS & ELEV. SHOWN ARE ON ASSUMED DATUM.
This survey was prepared without the benefit of title
work, Easements, right-of-way, and encumbrances
survey is subject to revision upon receipt of a title
insurance commitment or attorney's title opinion.

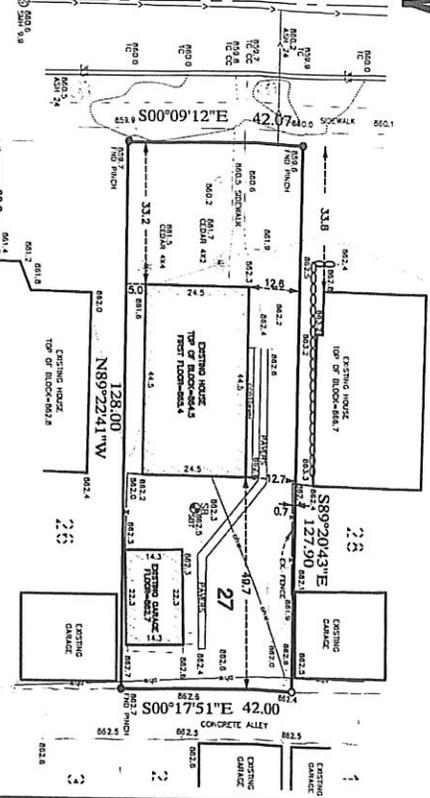
I hereby certify that this plan, survey or report was prepared by
me or under my direct supervision and that I am a duly Licensed
Land Surveyor under the laws of the State of Minnesota.

JOSHUA P. SCHNEIDER Date: 7-25-13 Reg. No. 44655
Duland Projects 2008V13460BS-Steeles Lake Harriet Park AddV13460BS.dwg 6/19/2013 644498 AR CDT

JOB#13460BS

NORTH

BEARD AVENUE SO.



LEGEND

- DENOTES EXISTING WALL
- DENOTES IRON MONUMENT FOUND
- 101.2 DENOTES EXISTING ELEVATION.
- DENOTES EXISTING FENCE
- DENOTES UTILITY POLE
- DENOTES LIGHT POLE

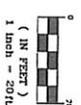
PROPOSED SURVEY

SCALE: AS NOTED

CERTIFICATE OF SURVEY

FOR CUSTOM RENOVATIONS
ADDRESS: 4905 BEARD AVE. SO.
MINNEAPOLIS, MN

LEGAL DESCRIPTION
Lot 27, Block 5, STEELE'S LAKE
HARRIET PARK ADDITION TO
MINNEAPOLIS, Hennepin County,
Minnesota.



NOTES

- FIELD WORK CONDUCTED ON JULY 24TH, 2013.
- BEARINGS & ELEV. SHOWN ARE ON ASSUMED DATUM.
This survey was prepared without the benefit of title
work, Easements, right-of-way, and encumbrances
survey is subject to revision upon receipt of a title
insurance commitment or attorney's title opinion.

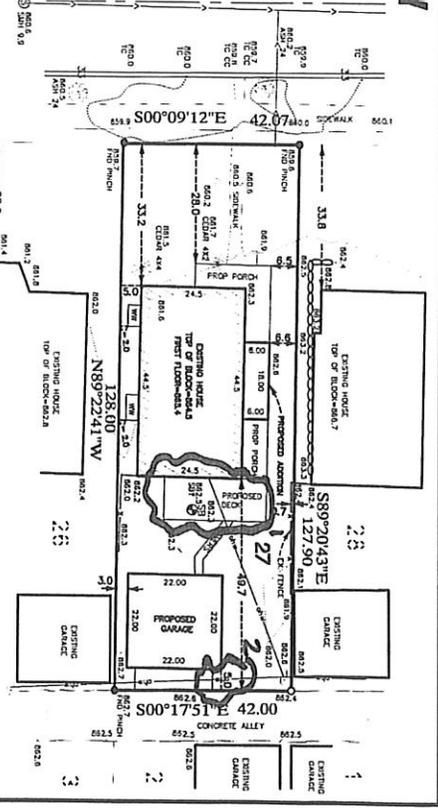
I hereby certify that this plan, survey or report was prepared by
me or under my direct supervision and that I am a duly Licensed
Land Surveyor under the laws of the State of Minnesota.

JOSHUA P. SCHNEIDER Date: 7-25-13 Reg. No. 44655
Duland Projects 2008V13460BS-Steeles Lake Harriet Park AddV13460BS.dwg 6/27/2014 406449 PR CDT

JOB#13460BS

NORTH

BEARD AVENUE SO.



LEGEND

- DENOTES EXISTING WALL
- DENOTES IRON MONUMENT FOUND
- 101.2 DENOTES EXISTING ELEVATION.
- DENOTES OVERHEAD WIRE
- DENOTES EXISTING FENCE
- DENOTES LIGHT POLE

SHEET SIZE
18" X 24" (ARCH C)

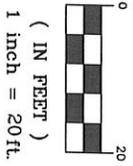
DRAWINGS PROVIDED BY: MIDTECH CONCEPTS, LLC 1444 SELBY AVE SAINT PAUL, MN 55104	PROJECT DESCRIPTION: 4905 BEARD AVE. MINNEAPOLIS, MN 55410	BUILDER: CUSTOM RENOVATIONS & BUILDERS, LLC 3011 11TH AVENUE S.W. LAKE SUPERIOR MINNEAPOLIS, MN 55415 Make custom renovations.com	<table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DESCRIPTION	BY	DATE													COPYRIGHT 2013 CUSTOM RENOVATIONS & BUILDERS, LLC.
NO.	DESCRIPTION	BY	DATE																	

AS-BUILT SURVEY

FOR: CUSTOM RENOVATIONS
 ADDRESS: 4905 BEARD AVE. SO.
 MINNEAPOLIS, MN

LEGAL DESCRIPTION

Lot 27, Block 5, STEELE'S LAKE
 HARRIET PARK ADDITION TO
 MINNEAPOLIS, Hennepin County,
 Minnesota.



NOTES

- FIELD WORK CONDUCTED ON AUGUST 11TH, 2014.
 - BEARINGS & ELEV. SHOWN ARE ON ASSUMED DATUM.
- This survey was prepared without the benefit of title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

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

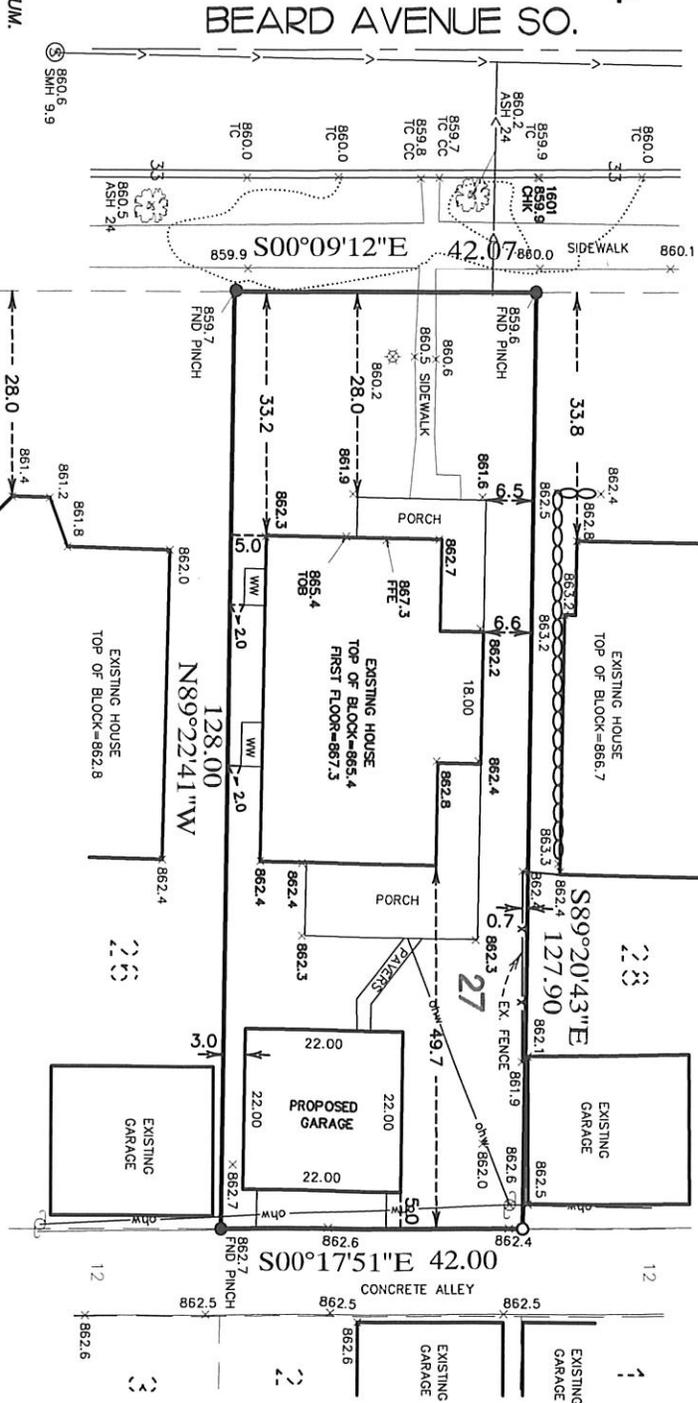
J. P. Schneider
 JOSHUA P. SCHNEIDER

Date: 8-11-14 Reg. No. 44655

C:\Land Projects 2008\13460bs-Steeles Lake Harriet Park Add\dwg\13460fab.dwg 8/11/2014 2:53:29 PM CDT

JOB#13460AB

- ## LEGEND
- DENOTES IRON MONUMENT FOUND
 - DENOTES IRON MONUMENT SET
 - 1011.2 DENOTES EXISTING ELEVATION.
 - ohw— DENOTES OVERHEAD WIRE
 - x— DENOTES EXISTING FENCE
 - DENOTES UTILITY POLE
 - ☆ DENOTES LIGHT POLE



ACRE LAND SURVEYING
 Balke, MN 55449
 763-236-6278 jaacrelandsurvey@gmail.com

NEW REMODEL BY: CUSTOM RENOVATIONS

PROJECT ADDRESS:
4905 Beard Ave S.
Minneapolis, MN 55410

GLAZING AREAS (FRONT)
SECOND FLOOR: 51
MAIN FLOOR: 71.3

GLAZING AREAS (RIGHT)
SECOND FLOOR: 31.3
MAIN FLOOR: 39.5

GLAZING AREAS (LEFT)
SECOND FLOOR: 52.1
MAIN FLOOR: 59.6

GLAZING AREAS (REAR)
SECOND FLOOR: 61
MAIN FLOOR: 46.7

1/4" OVERSHANG • EAVES

NEW VINYL SIDING AND BATTEN SIDING PER ELEV./SECTION

5/8" LP SIDING FROM 3/8" LP WINDOW AND DOOR TOP ON ALL ELEVATIONS

NEW VINYL SIDING

DUE TO VARIOUS AIR CAPTIONS OF INDIVIDUAL LOGS, THE GRAPHIC REPRESENTED BY THIS PRINT ARE FOR ILLUSTRATIVE PURPOSES ONLY. THEY DO NOT REFLECT ACTUAL FINISHED GRADE

1 FRONT ELEVATION
SCALE 1/4" = 1'-0"
PRINTED & PUBLISHED BY
02/01 PM
02/01 PM
October 23, 2009

2 RIGHT ELEVATION
SCALE 1/4" = 1'-0"

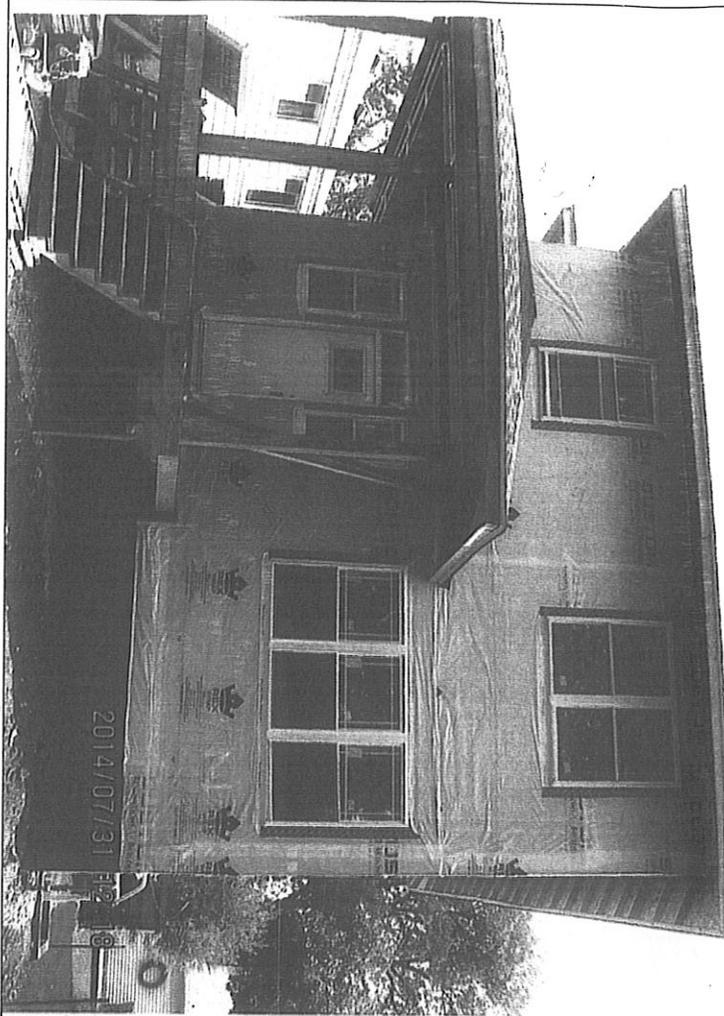
3 REAR ELEVATION
SCALE 1/4" = 1'-0"

2 LEFT ELEVATION
SCALE 1/4" = 1'-0"

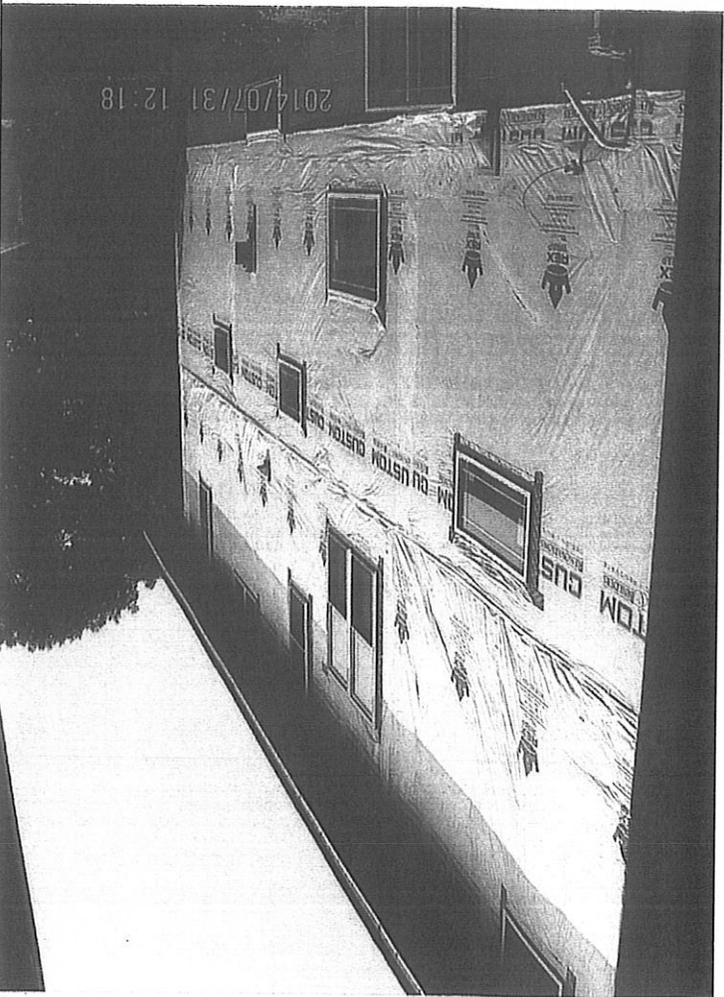
NOTE: VERIFY ALL WINDOW AND DOOR SIZES, ROOF PITCH, HEEL HEIGHT, AND ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION

SHEET	PROJECT #	DISTRICT
	13-14-1	
DRAWN BY:	REVISED AS OF:	EVERY EFFORT HAS BEEN MADE TO MAKE SURE THESE PLANS ARE CORRECT IN EVERY WAY. GENERAL CONTRACTOR AND OWNER SHOULD REVIEW THESE PLANS TO MAKE SURE ALL NOTES, DIMENSIONS, ERRORS AND OMISSIONS ARE CORRECT BEFORE CONSTRUCTION BEGINS. DISTINCTIVE DRAFTING AND DESIGN LLC IS NOT RESPONSIBLE FOR ERRORS AND OMISSIONS ON THESE PLANS.
NOBLE BLUETT	10/23/09	
APPROVED BY:	Distinctive Drafting and Design, LLC ZIMMERMAN, MN 55399 OFFICE - 612.244.3353 DIRECT - 310.451.8718 FAX - 612.856.0015 WWW.DISTINCTIVEDRAFTING.COM	
41 OF 4		

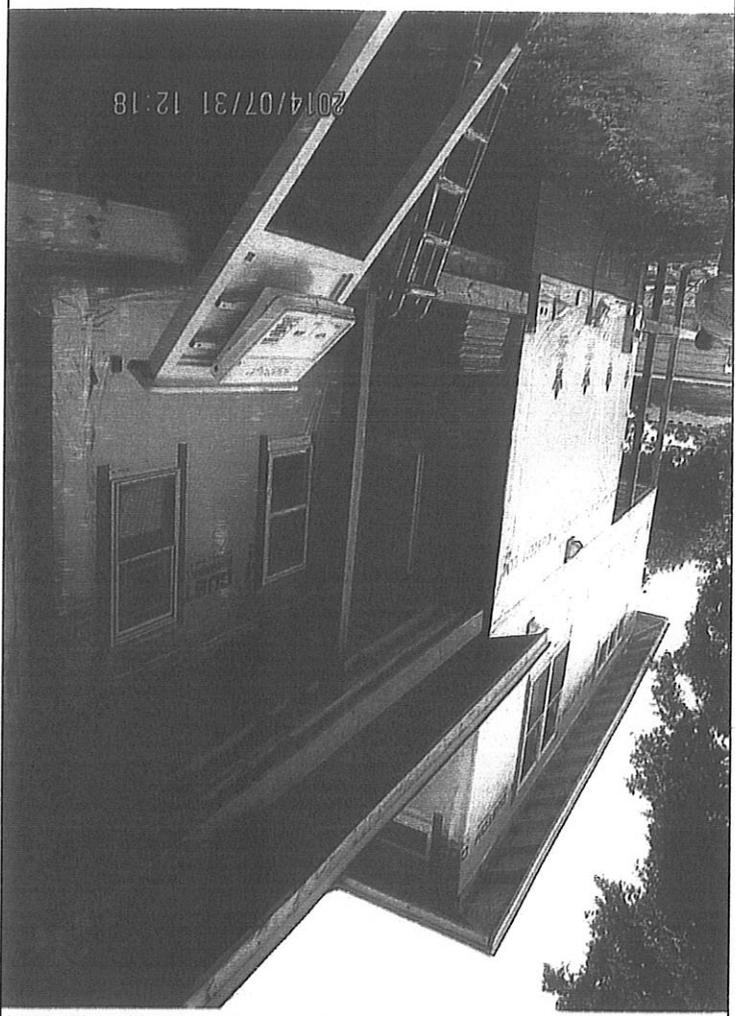
13-14-1 T2187 R-1

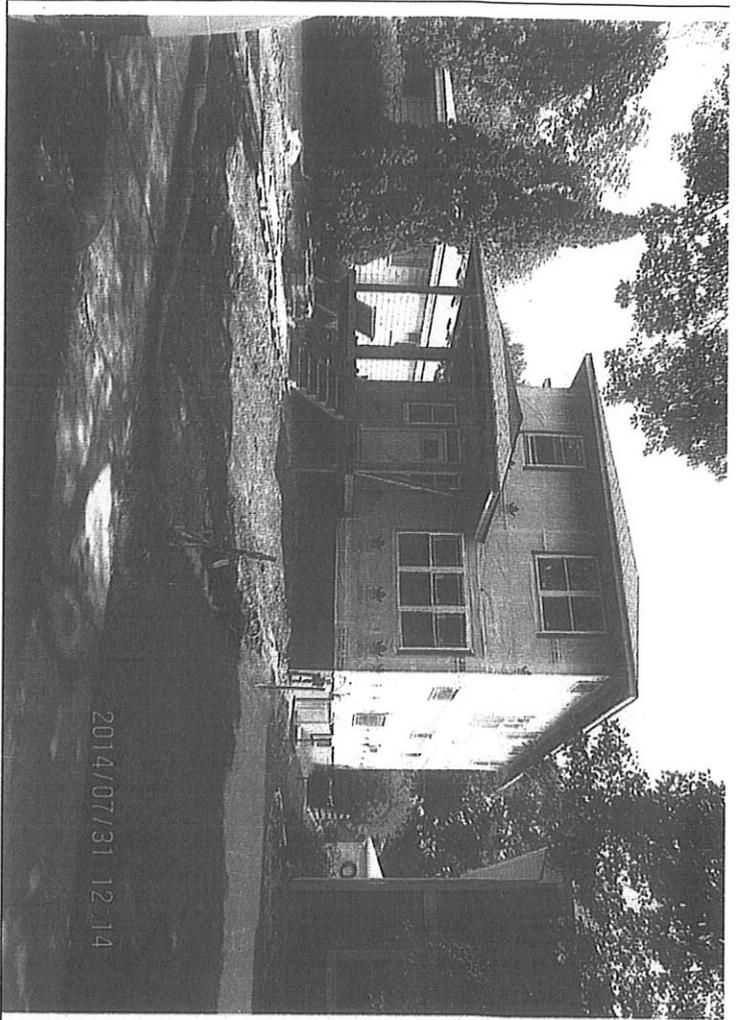


4905 Beard Ave. S.

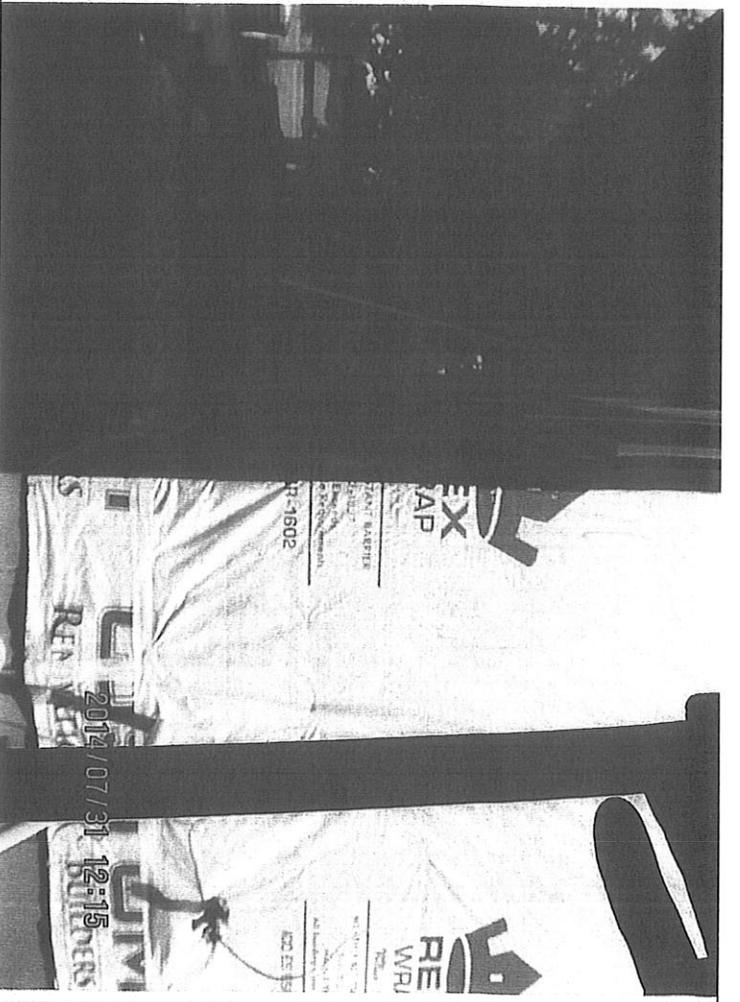


SJW

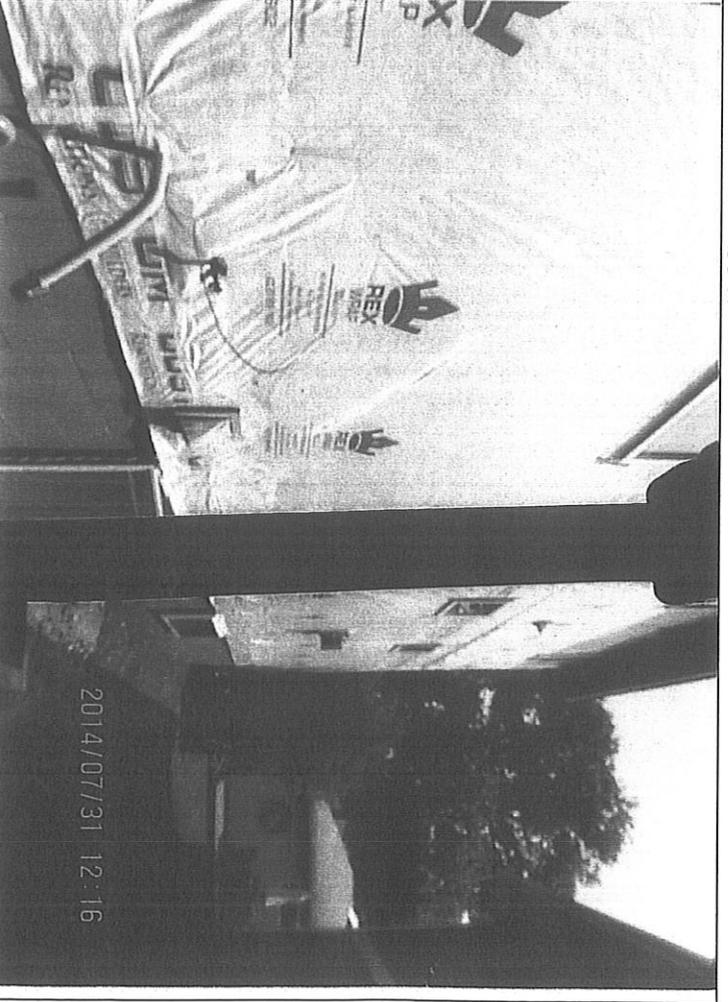
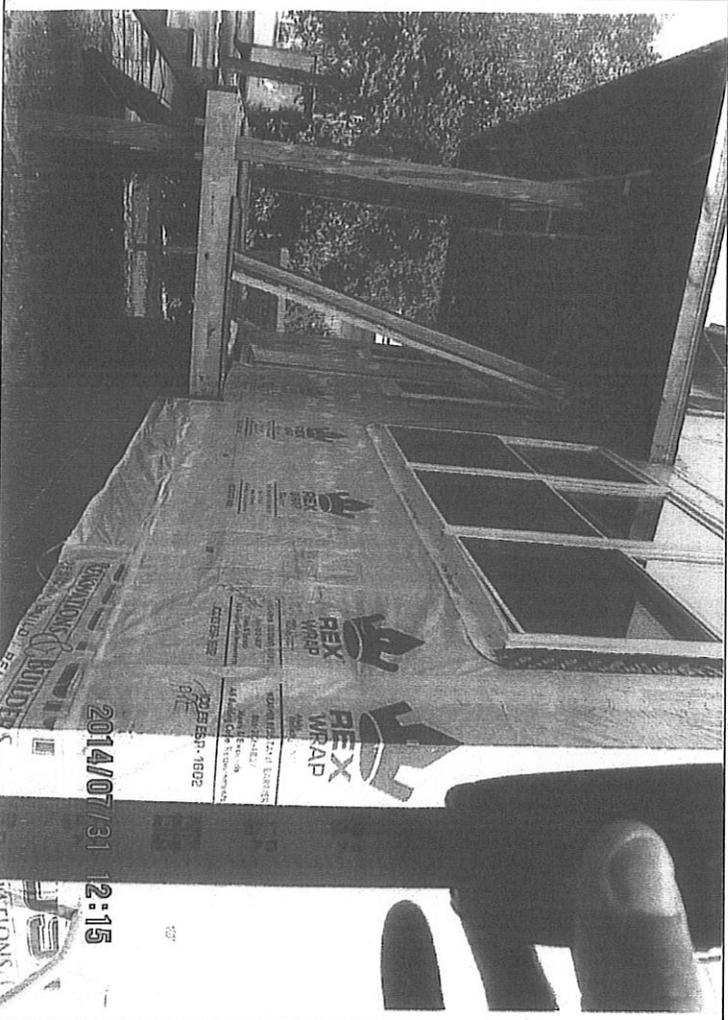


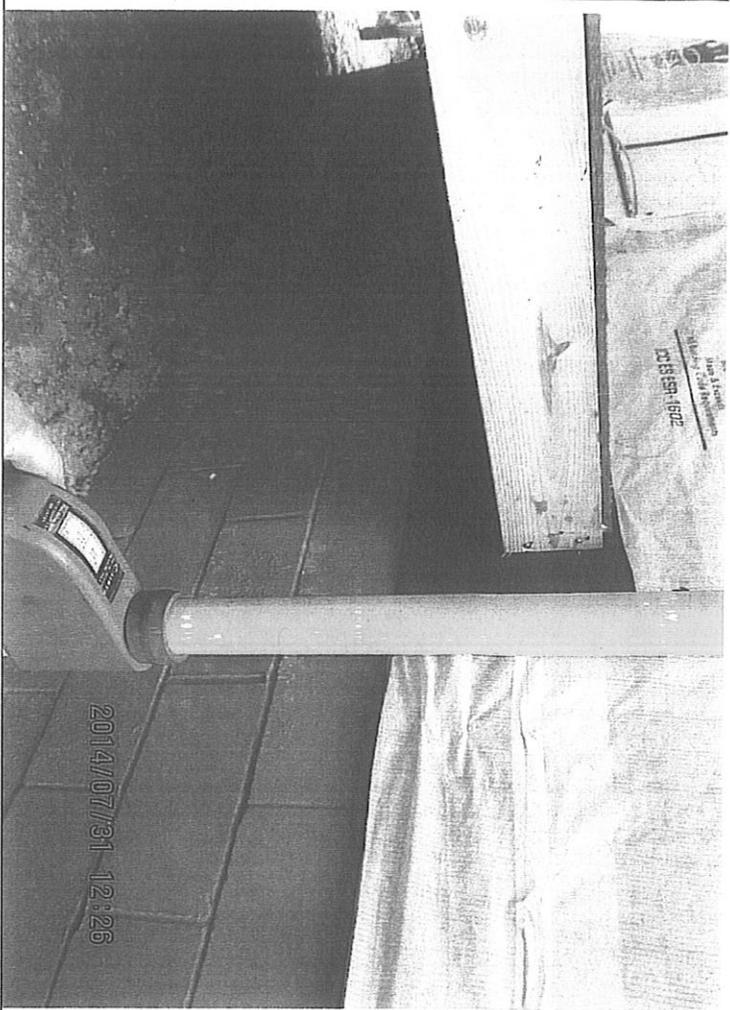


4905 Beard Ave. S.

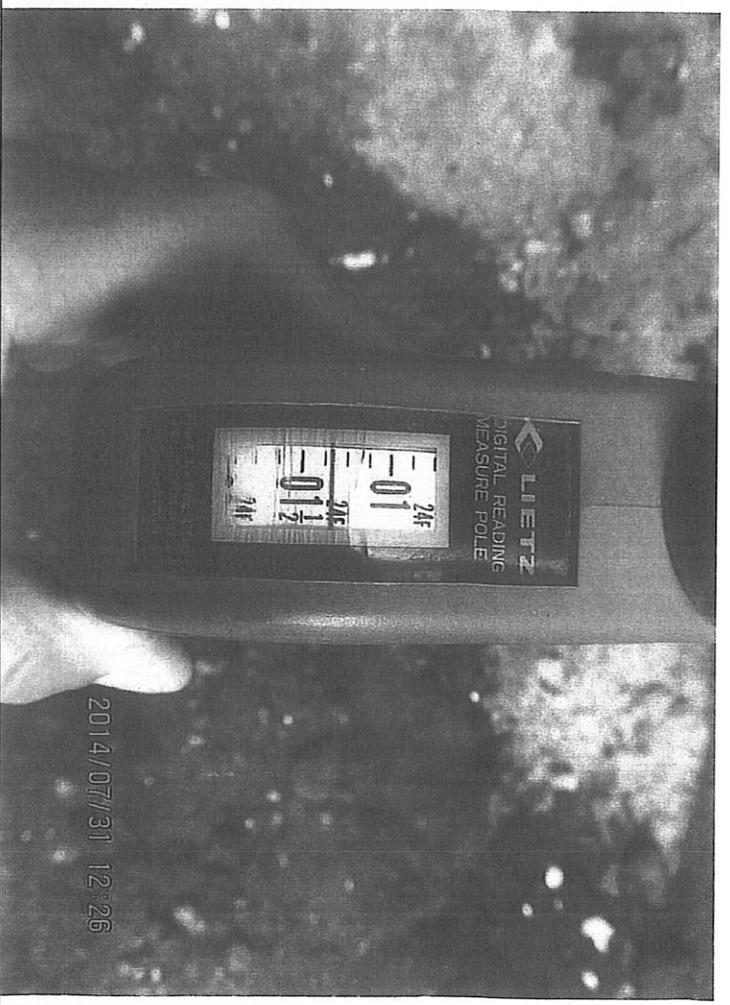


SJW

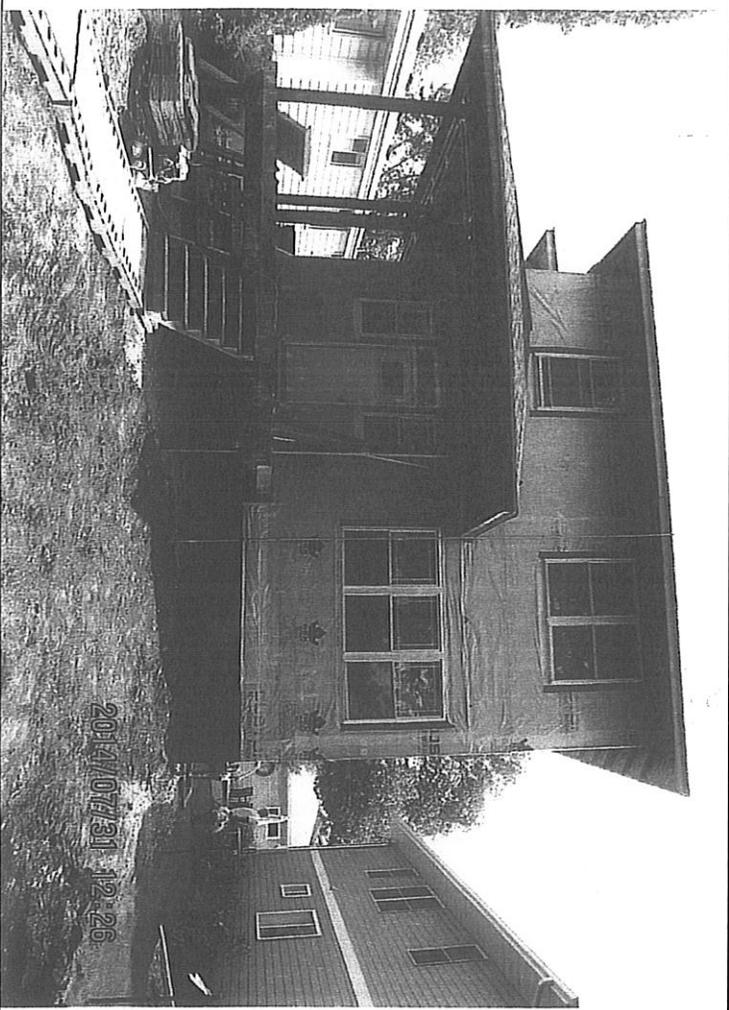


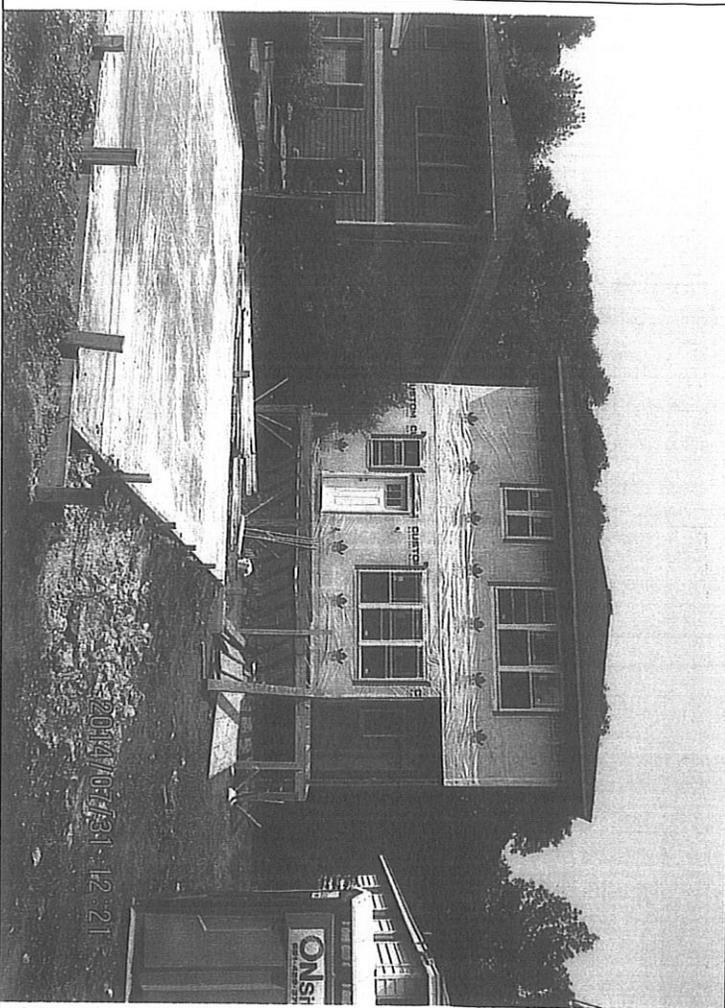


4905 Beard Ave. S.

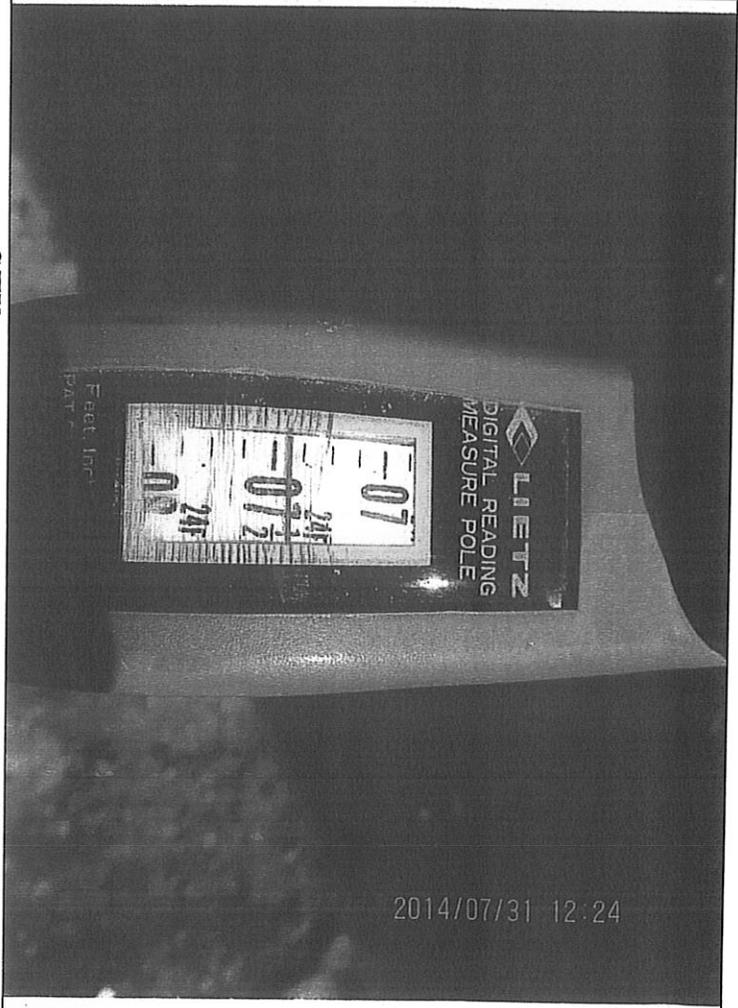


SJW

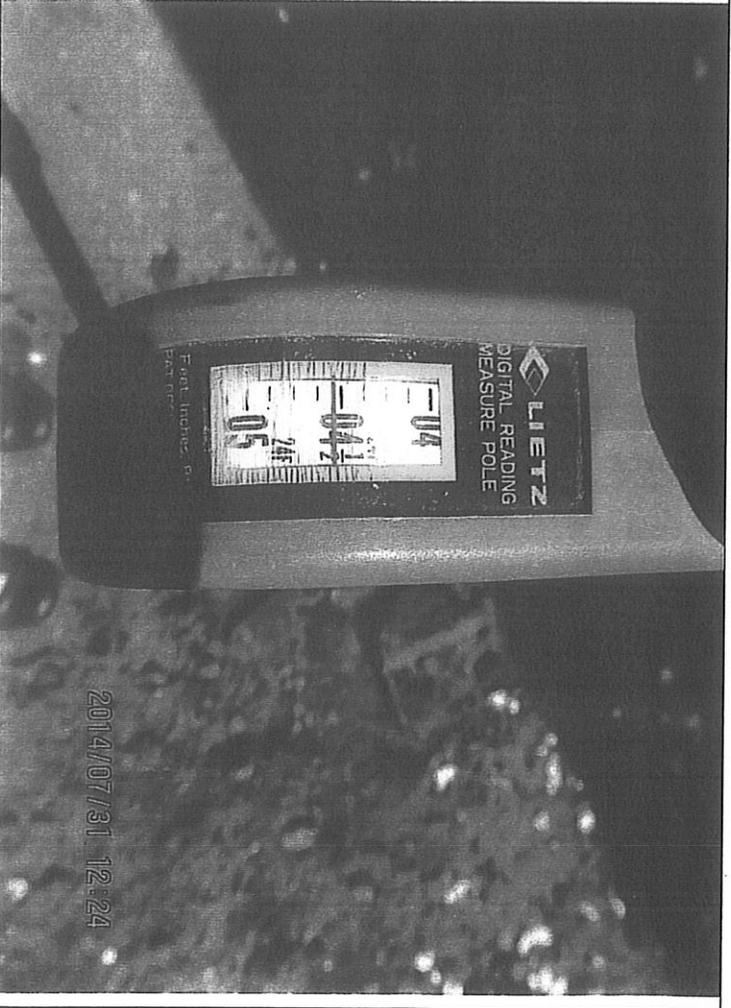
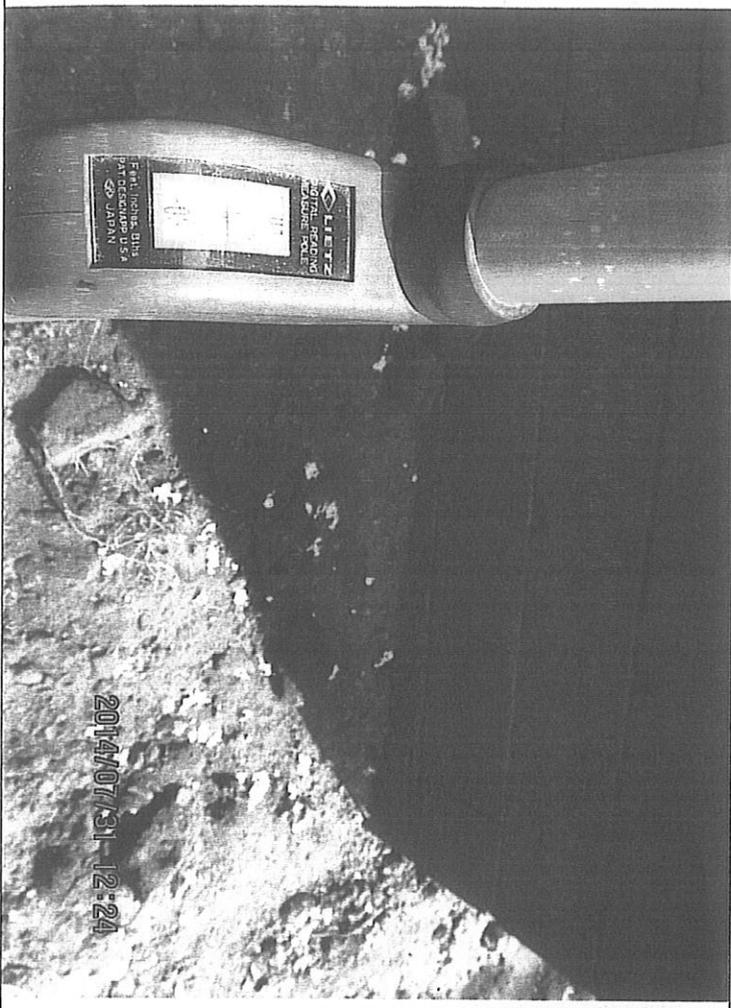


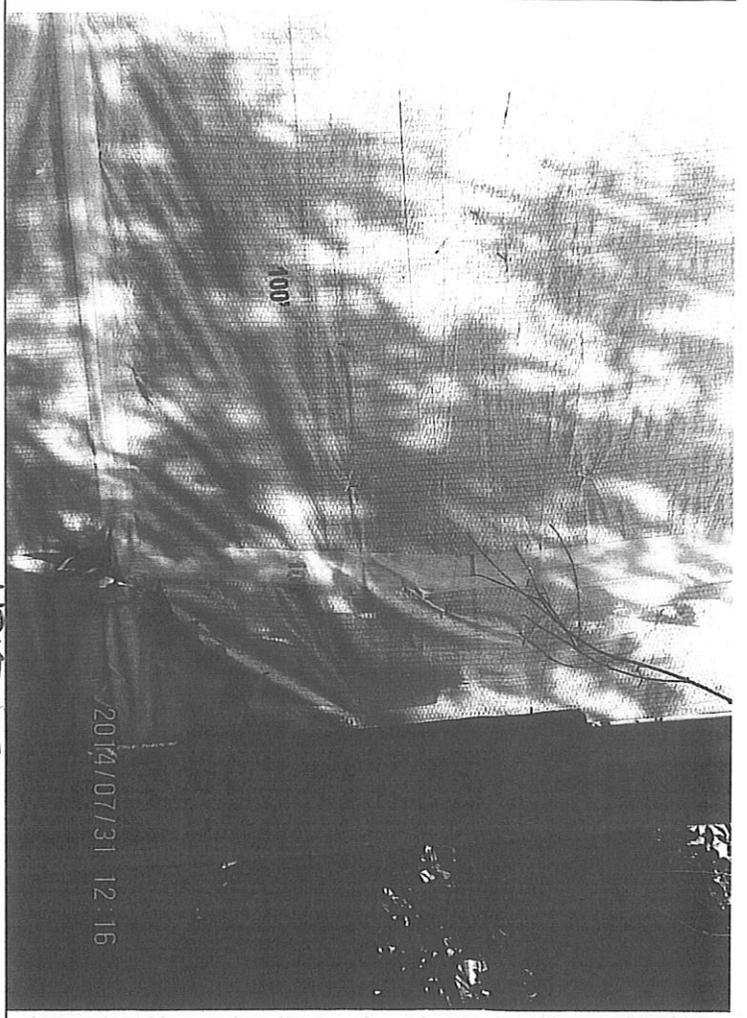


4905 Beard Ave. S.

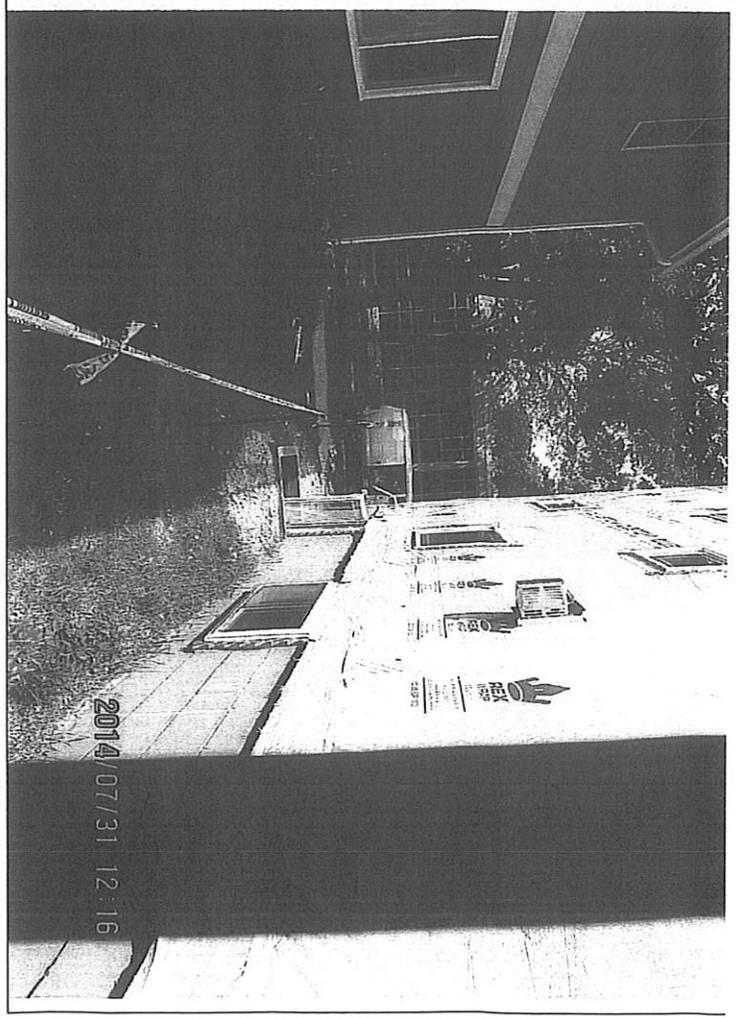


SJW

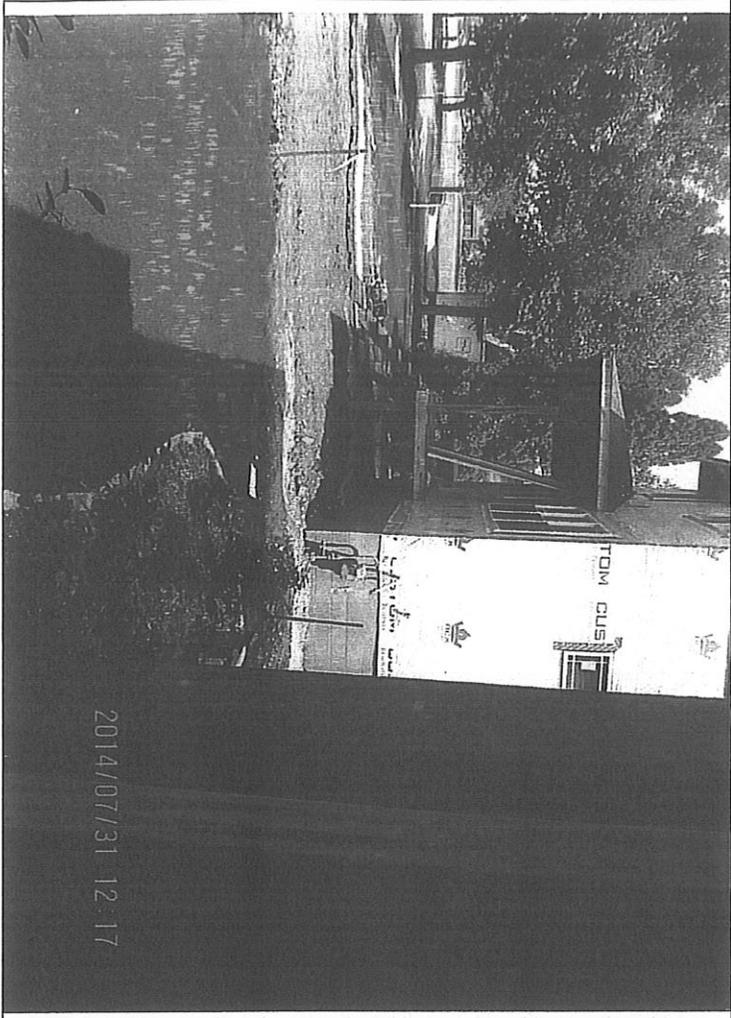


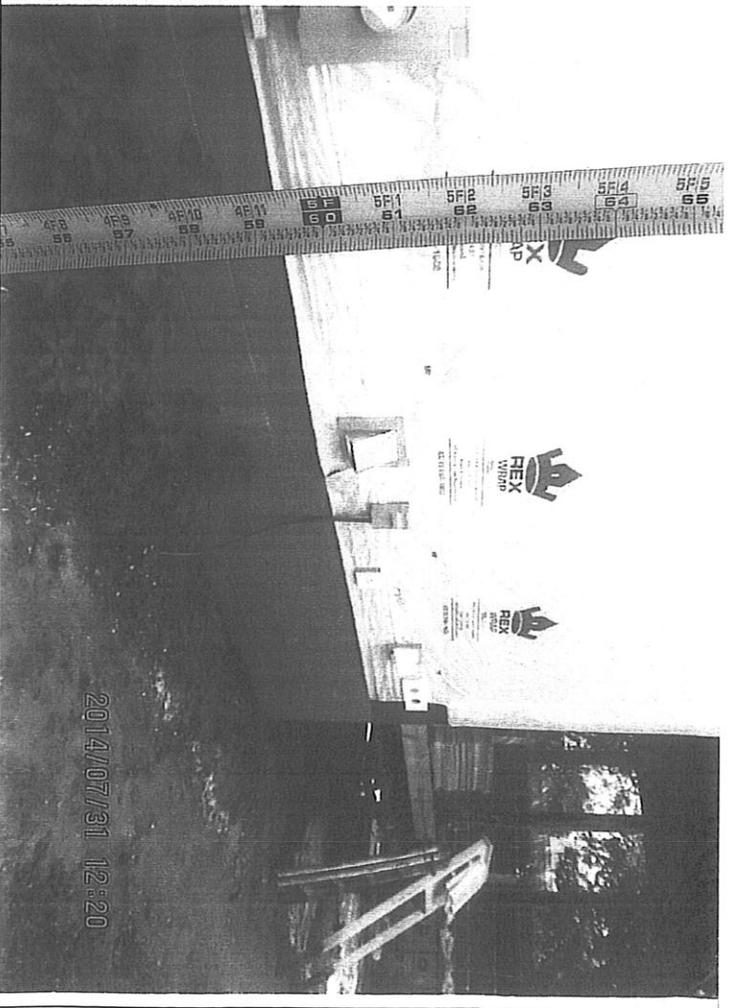
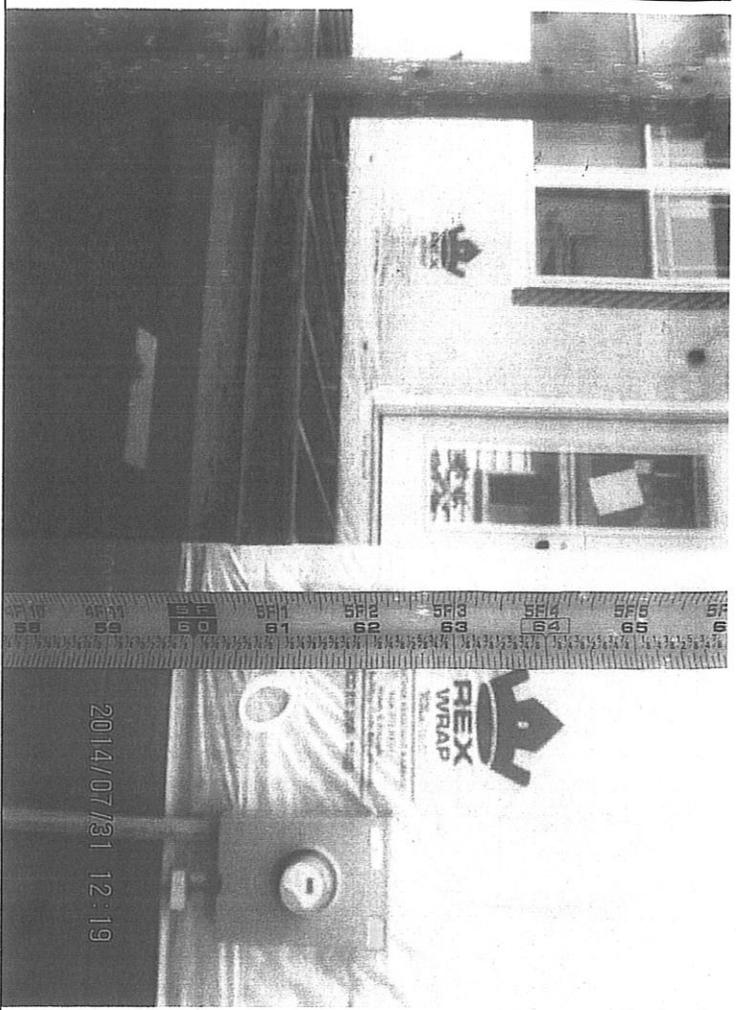


4705 Beard Ave. S.



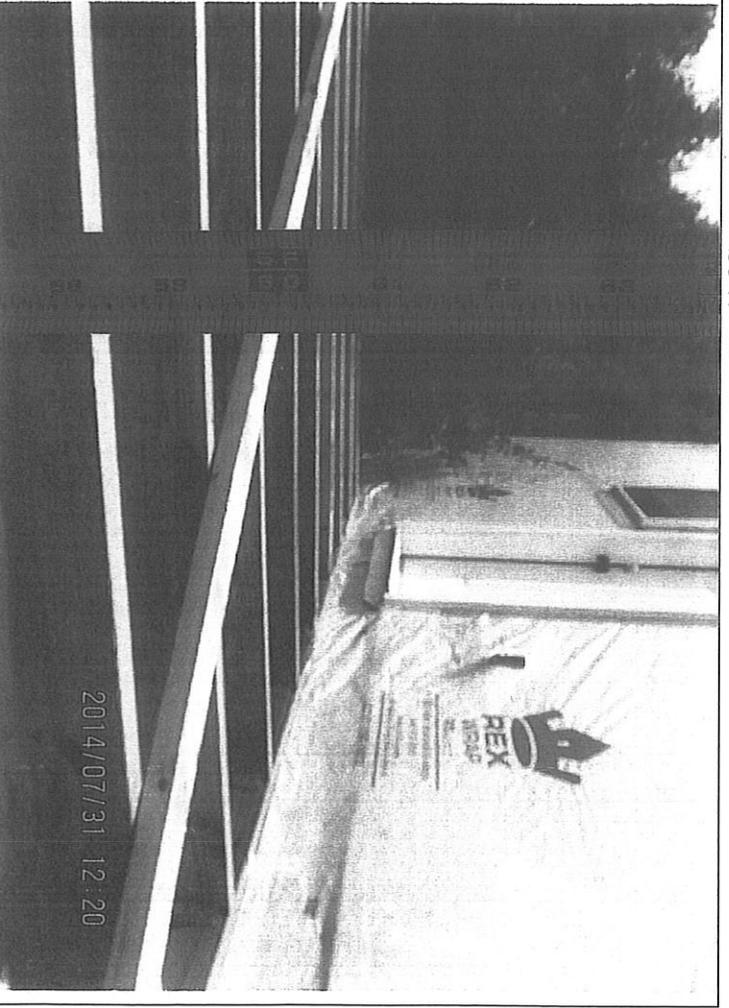
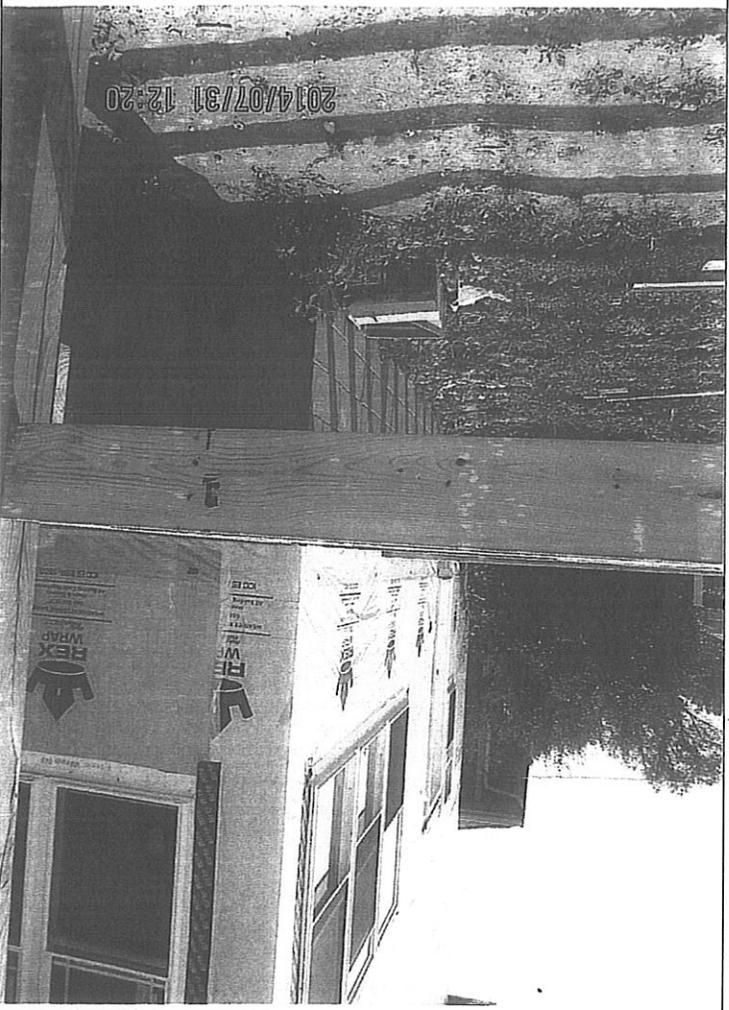
SJW





4905 Beard Ave. S.

SJW



CITY OF MINNEAPOLIS

DEPARTMENT OF COMMUNITY PLANNING & ECONOMIC DEVELOPMENT
DEVELOPMENT SERVICES - ZONING ADMINISTRATION

YOU ARE HEREBY ORDERED TO

STOP WORK IMMEDIATELY

APPROVAL OF THE ZONING ADMINISTRATOR
MUST BE OBTAINED BEFORE WORK CAN CONTINUE

NOTICE TO THE OWNER, ALL INTERESTED PERSONS AND WORKERS AT

THIS PROPERTY

LOCATED AT: 4905 Beard Ave. S.

PER MINNEAPOLIS

CODE OF ORDINANCE: 546.300+

DATE POSTED: 06-Aug-2014

BY:

Steve Weckmann

PHONE:

(612) 673-5849



December 5, 2013

Jason Timmers
Custom Renovations
2817 Anthony Lane South #100
Minneapolis, MN 55418

Community Planning &
Economic Development
Development Services

250 South 4th Street – Room 300
Minneapolis MN 55415

Office 612 673-3000 or 311
Fax 612 370-1416
TTY 612 673-2157

RE: Administrative Site Plan Review for a single-family dwelling at 4905 Beard Avenue South (BZZ-6376)

Dear Applicant:

Staff has reviewed the plans for the proposed new single-family dwelling at 4905 Beard Avenue South in the R1A Zoning District. The application cannot be approved as submitted and is deemed incomplete because it does not meet application requirements. The following items must be addressed:

1. The front porch is located partially in the required front yard as determined by a string test based on the neighboring properties to the north and south. Front porches are a permitted obstruction in the front yard however; the maximum depth allowed is eight (8) feet. The proposed deck is eighteen (18) feet on north side.

There is a zoning text amendment that would allow this wrap around style of porch however; it has not been approved by Council nor signed by the Mayor. If the amendment is passed it will likely be near the end of the year. Staff is optimistic that the proposed amendment will be approved but we must enforce current Zoning Code thus, this deck is not permitted.

You can propose an eight (8) foot deep porch, which would be approved and amend the plans if and when the zoning text amendment is passed and signed or wait for the outcome of the proposed amendment.

2. The proposed front steps are eight (8) feet wide and the maximum for front steps in the required front yard is six (6) feet.

This too is a part of the zoning text amendment and the proposed width is eight (8) feet. So you are able to propose revised plans based on current Code or wait for the outcome of the proposed amendment.

3. The light well as shown on the site plan measures 2.5' x 7' for a total of 17.5 square feet. This is located in the required side yard and the maximum size for window wells is sixteen (16) square feet. As you've indicated, it must be at least two (2) feet from the property line.

4. The air condition unit show on the northern side of the property is permitted if the neighbor to this side has central air as well. Please document if this neighbor has central air by a photo or demonstrating its location on the survey.

Again, this is subject to the new zoning text amendment which would allow the air conditioner in the side and rear yard regardless of the neighboring properties and their air conditioning situation provided they are setback from the lot line two





Community Planning &
Economic Development

Development Services

250 South 4th Street - Room 300
Minneapolis MN 55415

Office 612 673-3000 or 311

Fax 612 370-1416

TTY 612 673-2157

(2) feet. Please show if the neighbor to the north has central air or relocate to the rear of the home. If you prefer the air conditioning unit on the side yard and the neighbor does not have central air, please wait on the outcome of the zoning text amendment.

5. The elevations on page A1 indicate that the finished grade is unknown with the phrase, "*number of risers may vary depending on finished grade.*" Please be aware that if four feet of the basement is above grade, it will be considered a floor. This would be a major problem as three (3) story structures are not permitted in this district and the floor area ratio would exceed the maximum of .50.

Please make the necessary changes and submit all required materials for your administrative site plan review to the Development Coordinator assigned to this project by January 5th, 2014. If the items are not submitted by this date your site plan review application will be returned per Minneapolis Zoning Code provision 525.140.

Sincerely,

Andrew Liska
City Planner
City of Minneapolis
250 South 4th Street - Room 300 PSC
Minneapolis, MN 55415
612.673.2264
Andrew.Liska@MinneapolisMN.gov



Liska, Andrew

From: jkohnen <jkohnen@usiwireless.com>
Sent: Friday, August 22, 2014 9:13 AM
To: Liska, Andrew
Subject: RE: Notice of a Public Hearing--

Andrew--

That's probably it. Thanks for having someone look into it.

Jane

On 2014-08-22 08:48, Liska, Andrew wrote:

Jane,

Thank you for your response. I look forward to receiving your comments.

I passed along the inquiry about the structure in question. I believe its 5144 Drew (3700 Chowen is associated with this same property).

Let me know if this is not the property in question.

Thanks,

Andrew

From: jkohnen [mailto:jkohnen@usiwireless.com]
Sent: Friday, August 22, 2014 8:32 AM
To: Liska, Andrew
Subject: Fwd: Notice of a Public Hearing--

Hi Andrew,

I am the chair of the Fulton Neighborhood Zoning committee. We will be taking a look at this variance

and will send you our comments prior to the meeting.

This issue raised my curiosity about another house at the corner of either Drew or Chowen and 52nd street. It's on the northwest corner of the intersection and would have an address of something close to 5154. Sorry, I can't remember which street it is on. At any rate, from driving by, it looks like it's really elevated as well. I'm wondering if someone could take a look at the plans for that house and confirm it's foundation elevation.

Thank you for your vigilance!

Regards,
Jane Kohnen

----- Original Message -----

Subject:Fwd: Notice of a Public Hearing

Date:2014-08-21 11:02

From:Ruth Olson <sr4olson@usfamily.net>

To:Jane Kohnen <jkohnen@usiwireless.com>, Eric Eickhof <eric.eickhof@gmail.com>, Chris Strom <cstrom007@hotmail.com>, Brigg Backer <brbacker@cbburnet.com>, Andrew Michaelson <anmichaelson@gmail.com>, Becky Scribner <beckyscribner@gmail.com>

----- Original Message -----

Subject:Notice of a Public Hearing

Date:Thu, 21 Aug 2014 10:53:58 -0500 (CDT)

From:Porter, Fatimat Q. <Fatimat.Porter@minneapolismn.gov>

To:info@fultonneighborhood.org <info@fultonneighborhood.org>

August 21, 2014

Fulton Neighborhood Association

Pershing Park

3523 West 48th Street

Minneapolis, MN 55410

NOTICE OF A PUBLIC HEARING

Regarding: 4905 Beard Avenue South

Custom Renovations and Builders have applied for a variance to increase the maximum floor area ratio (FAR) from .5 to .671 for the construction of a new single-family dwelling at 4905 Beard Avenue South in the R1A Single-Family District.

The Minneapolis Board of Adjustment will meet on **Thursday, September 11, 2014, at 4:30 p.m., in Room 317 City Hall**, 350 S. 5th St., Minneapolis, MN. Interested parties are invited to attend and be heard. Planning Department staff will issue a recommendation to the Zoning Board of Adjustment. After hearing from the public, the Zoning Board of Adjustment will make a determination based on required legal findings of fact. Please visit <http://www.minneapolismn.gov/meetings/zba> for the agenda with staff reports (web page will be updated by the end of the day Thursday prior to the meeting date).

In accordance with the Zoning Code, all property owners within 350 feet of the subject property are notified of this public hearing. Your comments can be made verbally at the meeting, or submitted in writing, to:

Andrew Liska, City Planner - 250 South 4th Street Room 300, Minneapolis, MN 55415

Phone (612) 673-2264 Fax (612) 673-2526 E-mail: Andrew.Liska@minneapolismn.gov.

The meeting site is wheelchair accessible; if you need other disability related accommodations, such as a sign language interpreter or materials in alternative format; please contact NCR@minneapolismn.gov or 612- 673-3737 (673-2157 TTY/VOICE) at least five days prior to the meeting.

BZZ-6751

VARIANCE - The City's principal means of controlling land use is the zoning ordinance, which divides the City into different districts. The individual districts determine lot size, building height, building and parking setbacks, required parking and various other standards. The Board of Adjustment

may grant a variance from these requirements, when the applicant can demonstrate that practical difficulties exist due to circumstances unique to the property.

Attention: If you want help translating this information, call -Hmong - Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800; Spanish - Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612-673-2700; Somali - Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612-673-3500.

Liska, Andrew

From: Christopher Strom <chris@christopherstrom.com>
Sent: Thursday, August 28, 2014 8:19 PM
To: Liska, Andrew
Subject: 4905 Zenith Ave S
Attachments: 4905 Zenith front.jpg; 4905 Zenith rear.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Hi Andrew:

I live on 49th and Abbott. I received a notice today for the variance application for 4905 Beard. It seems clear that they are over the 50% first-floor 4' height requirement.

ALSO, if you haven't seen the house two blocks away by the same builder (Custom), 4905 Zenith appears to be WAY over the height requirements. I attached a couple of photos.

Thanks in advance for your review and enforcement regarding both of these projects.

Best,
Chris Strom.

Liska, Andrew

From: Jay Ludwig <jaymludwig@gmail.com>
Sent: Tuesday, September 02, 2014 10:35 PM
To: Liska, Andrew
Subject: Variance application for 4905 Beard Ave. S.

September 2, 2014

Andrew Liska, City Planner

250 South 4th Street, Room 300

Minneapolis, MN 55415

Dear Mr. Liska,

We are writing to you concerning the construction of a new single-family dwelling at 4905 Beard Ave. S. We are immediate neighbors to this house, living directly across the alley at 4904 Abbott Ave. S.

We understand that the builder has applied for a variance to increase the maximum floor area ratio of the house from .5 to .671. We are very much opposed to this increase, and appreciate the opportunity to voice our concerns. We feel that the height of this house is disproportionate to all the other houses in our neighborhood. It overshadows the house just to the south of it and completely dominates the house just to the north. The house at 4905 Beard looks totally out of place, detracts from the aesthetics of Beard Ave., and shows an uncaring disrespect for the other residents of the neighborhood.

Evidently the builder increased the maximum floor area ratio before applying to the City of Minneapolis for a variance, as the exterior of the house has largely been completed, and work has begun on the interior. We are shocked that a builder would have the audacity to ignore the City's zoning ordinances, and go ahead with the project without approval. We feel that such disrespect for governing authorities should not be tolerated. We are also uneasy at the thought of a company with such a lack of scruples working in our neighborhood, not knowing what other violations the company may have committed or may be planning to commit.

We would urge the Minneapolis Board of Adjustment to deny this application for a variance to increase the maximum FAR of the house at 4905 Beard Ave. S., and to continue to protect our neighborhood from future building projects of this kind.

Sincerely,

Jay and Pamela Ludwig

4904 Abbott Avenue South

Minneapolis, MN 55410