



# CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #3  
April 9, 2015  
BZZ-7070

## LAND USE APPLICATION SUMMARY

*Property Location:* 4224 Fremont Avenue South  
*Project Name:* Keinath Residence Additions  
*Prepared By:* [Janelle Widmeier](#), Senior City Planner, (612) 673-3156  
*Applicant:* Steve Keinath  
*Project Contact:* Tyler Hillger, TEA2 Architects  
*Request:* To allow additions to a single-family dwelling.  
*Required Applications:*

<b>Variance</b>	To increase the maximum floor area ratio from 0.5 to 0.77.
<b>Variance</b>	To develop on a steep slope/within 40 feet of steep slope in the SH Shoreland Overlay District.

## SITE DATA

<b>Existing Zoning</b>	RI Single-Family District SH Shoreland Overlay District
<b>Lot Area</b>	14,947 square feet
<b>Ward(s)</b>	13
<b>Neighborhood(s)</b>	East Harriet Farmstead Neighborhood Association
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Not applicable.
<b>Small Area Plan(s)</b>	Not applicable.

<b>Date Application Deemed Complete</b>	March 19, 2015	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	May 18, 2015	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The existing use is a single-family dwelling. It has 4 levels including an attic and a walk-out basement with a tuck-under garage accessed from Fremont Avenue. It was originally permitted for construction in 1905, but was expanded and remodeled over the years. In 1988, an underground garage accessed from the alley, retaining walls and adjacent stairs were permitted for construction.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding properties are predominantly single-family dwellings. Lake Harriet is located to the west, one-half a block from the site.

**PROJECT DESCRIPTION.** The applicant is proposing to construct several additions to the existing single-family dwelling. The additions include an open front porch with a basement below, a rear basement addition with a first level patio above, and another rear addition to the basement and first floor levels. The latter addition will connect to the existing underground garage accessed from the alley. The grade of the site changes significantly from east to west. The northwest area of the site and the area along the alley is on a steep slope (an average 18 percent slope or greater measured over a horizontal distance of 50 feet or more, with a height of 10 feet or greater). In the SH Overlay District, a variance is required to allow development on a steep slope or within 40 feet of a steep slope. Most of the rear, north side addition is on the steep slope. Part of the other two additions are located within 40 feet of the steep slope. The significant grade change of the site also impacts the maximum floor area ratio (FAR). The maximum FAR for a single-family dwelling in the RI District is 0.5. The subject dwelling does not qualify for the basement or half-story floor area exemptions allowed by [section 546.240 of the zoning code](#). Floor area of attached garages also counts towards the gross floor area (GFA) computation. With all levels of the dwelling and garage area included, the proposed FAR is equal to 0.77. A variance is required to increase the maximum FAR.

**PUBLIC COMMENTS.** As of the writing of this report, no comments have been received. 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 increase the maximum floor area ratio from 0.5 to 0.77, 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 due to circumstances unique to the property. The dwelling was originally permitted for construction in 1905 and has been remodeled and expanded over the years. The existing FAR is 0.65. The grade of the site changes significantly behind the required front yard from east to west resulting in the finished first floor of the first story being more than 4 feet from natural grade for more than 50 percent of the perimeter. The roof over the second level is primarily a hip roof. However, a small portion of it is flat. For the attic to

be considered a half-story, no part of the roof can be flat. Therefore the attic and basement, including the garage accessed from the alley, is included in the GFA computation used to determine the FAR. Without the significant grade change and the partially flat roof, the attic and basement would not be included as GFA as allowed by [section 546.240 of the zoning code](#). If the basement and attic were not required to be included, the proposed FAR would be 0.38.

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, building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Comprehensive plan policies call for single-family infill development to reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings. In calculating the gross floor area of a single-family dwelling, the purpose of measuring the finished first floor level from natural grade is to prevent the mounding of soil to allow for a structure to be taller or larger than the ordinance would normally allow. Restricting changes to the natural grade also helps to minimize runoff to surrounding properties due to grade changes.

The applicant is proposing to maintain the existing grading. The highest grade of the site is around the front main entrance. The existing dwelling appears to be a two-story dwelling with a half-story under a hip roof as viewed from Fremont Avenue. This appearance will not change with the construction of the additions. Properties in the immediate area are comparable in size to and have similar grade changes like the subject site. The structures on these nearby properties are also larger in scale. The proposal would be compatible with the surrounding area. The request is reasonable and consistent with the 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.*

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 applicant is proposing to maintain the existing grading. The highest grade of the site is around the front main entrance. The existing dwelling appears to be a two-story dwelling with a half-story under a hip roof as viewed from Fremont Avenue. This appearance will not change with the construction of the additions. If the basement and attic were not required to be included, the proposed FAR would be 0.38. Properties in the immediate area are comparable in size to and have similar grade changes like the subject site. The structures on these nearby properties are also larger in scale. The proposal would be compatible with the surrounding area. The additions will be compatible with the exterior of the existing dwelling. Stucco and stone are the primary exterior materials on the existing dwelling. These materials will be the primary exterior materials on the additions. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed construction is built to current building codes.

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

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

The subject site will not be significantly altered to adversely affect the water quality of the lake. Post-construction, the applicant is proposing to maintain the existing grading. Erosion control measures will include a silt fence around the site, locating excavated soil in flat management areas until the soil can be backfilled or removed from the site, and installing seed/mulch, matting, or sod/stakes after construction is complete. Temporary stabilization measures would not be removed until vegetation is permanently established.

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

The subject site is located east of Lake Harriet. Development is located between the site and the lake. The proposed additions are located at the basement and first floor levels of the dwelling. The front addition would not be visible from the lake. The rear additions would not be any more visible than the existing dwelling. Although the proposed development is on a slope, vegetation and the existing development between the lake and site should minimize its visibility.

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

This standard is not applicable for the proposed development.

## VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to develop on a steep slope/within 40 feet of steep slope in the SH Shoreland Overlay District, 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 due to circumstances unique to the property. Development on a steep slope or within 40 feet of a steep slope is not allowed in the SH Overlay District without a variance. Approximately half of the site is located on a steep slope or within 40 feet of the steep slope. Almost all of the area not on the steep slope or within 40 feet of the steep slope is subject to the front yard requirements. Almost no development would be possible on the subject property without 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 SH Shoreland Overlay District is established to preserve and enhance the environmental qualities of surface waters and the natural and economic values of shoreland areas within the city, to provide for the efficient and beneficial utilization of those waters and shoreland areas, to comply

with the requirements of state law regarding the management of shoreland areas, and to protect the public health, safety and welfare. In order to ensure that adverse environmental impacts are minimal, development on or within 40 feet of a steep slope in the SH Overlay District can only be approved through a variance. Development allowed by variance is subject to the following conditions:

1. *Development must currently exist on the steep slope or within forty (40) feet of the top of a steep slope within five hundred (500) feet of the proposed development.*

Development currently exists on the subject property and adjacent properties that are located on the steep slope and within 40 feet of the steep slope.

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

If the variance is approved, the development footings and foundation are required to comply with the building code requirements, which include being founded in material with an embedment and setback from the slope surface sufficient to provide vertical and lateral support for the footing without detrimental settlement. The applicant will be required to work closely with the Construction Code Services Section of CPED during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements to meet this condition.

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

The applicant has submitted an erosion control plan that details the measures that will be undertaken to prevent erosion. Post-construction, the applicant is proposing to maintain the existing grading. Erosion control measures will include a silt fence around the site, locating excavated soil in flat management areas until the soil can be backfilled or removed from the site, and installing seed/mulch, matting, or sod/stakes after construction is complete. Temporary stabilization measures would not be removed until vegetation is permanently established. If the plans are approved and implemented in the manner required by the building code and in accordance with the soil erosion plan, the development should present no danger of falling rock, mud, uprooted trees, or other environmental issues.

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 context.*

The subject site is located east of Lake Harriet. Development is located between the site and the lake. The surrounding properties are predominantly larger-scale single-family dwellings. There are no nearby historic districts or landmarks. Much of the steep slope has already been altered by development and retaining walls. The proposed additions are located at the basement and first floor levels of the dwelling. The front addition would not be visible from the lake. The rear additions would not be any more visible than the existing dwelling. Although the proposed development is on a slope, vegetation and the existing development between the lake and site should minimize its visibility.

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 variances would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. Much of the steep slope has already been altered by development and retaining walls. The existing grading is proposed to be maintained once construction is complete. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed construction is built to current building codes and the erosion control and landscaping plans are implemented in the manner proposed using best practices.

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

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

The subject site will not be significantly altered to adversely affect the water quality of the lake. Post-construction, the applicant is proposing to maintain the existing grading. Erosion control measures will include a silt fence around the site, locating excavated soil in flat management areas until the soil can be backfilled or removed from the site, and installing seed/mulch, matting, or sod/stakes after construction is complete. Temporary stabilization measures would not be removed until vegetation is permanently established.

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

The subject site is located east of Lake Harriet. Development is located between the site and the lake. The proposed additions are located at the basement and first floor levels of the dwelling. The front addition would not be visible from the lake. The rear additions would not be any more visible than the existing dwelling. Although the proposed development is on a slope, vegetation and the existing development between the lake and site should minimize its visibility.

3. *The suitability of the protected water to safely accommodate 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 City Planning Commission adopt staff findings for the application(s) by Steve Keinath for the property located at 4224 Fremont Avenue South:

### **A. Variance to increase the maximum floor area ratio.**

Recommended motion: **Approve** the variance to increase the maximum floor area ratio from 0.5 to 0.77 to allow additions to a 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 April 9, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

### **B. Variance to develop on a steep slope/within 40 feet of steep slope in the SH Shoreland Overlay District.**

Recommended motion: **Approve** the variance to develop on a steep slope/within 40 feet of steep slope in the SH Shoreland Overlay District to allow additions to a 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 April 9, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Photos
3. Zoning map
4. Site survey
5. Site and erosion control plan
6. Floor plans
7. Building elevations

March 5<sup>th</sup>, 2015

Minneapolis Planning Commission,

This application is being made on behalf of owners Steve and Melissa Keinath regarding the following property:

4224 Fremont Ave So.  
Minneapolis, MN 55409  
East Harriet Farmstead Neighborhood  
(Lots 7&8, Block 2, Lynnhurst, Minneapolis, Hennepin County, Minnesota)  
PID 09-028-24-42-0017

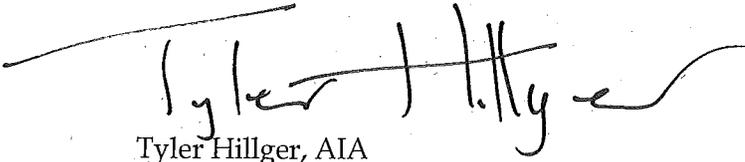
This proposed project of this 1906 house is being constructed to help modernize this homes interior while also increasing its historical character on the outside. The project has been very conscious of its surrounding neighbors through its design and material choices. Managing erosion and water management during and after construction are of high concern. The Historical Preservation Committee has been contacted and the property has no historical landmark value to it.

All portions of the project are within code requirements other than the practical difficulties related to *Shoreland Overlay District (Steep Slope)* and *FAR* which are variances being addressed in these applications. Shoreland overlay is been addressed due to significant slope on the site from front to back and its relationship to footed structural retaining walls. FAR is being addressed in proposing removing the lower level from the FAR calculation due to the height the original house was built above grade in 1906 and the overall significant steepness of the site.

The overall project includes a small interior addition (245sqft) on the first floor to modernize the kitchen/dining/den space. The project also includes remodeling the existing exterior covered front entry to improve the homes historical character and give a better connection to the street. The first floor back side (west) of the house has extended the existing patio to the further to the south. The vast majority of the project has been located on the lower level to minimize its affect on the neighbors. The lower level expansion consists of a mechanical room, storage, exercise room, recreation space and connection to the existing alley garage for safety. A significant goal of the project is to improve the historical character of the house. Existing windows throughout will be replaced with new high quality aluminum clad windows with divided lites representing a more historical feel. The new windows will also be adding a more traditional and detailed wood trim throughout the exterior of the residence. The entire exterior stucco of the house will be re-dashed.

Steve and Melissa Keinath have authorized TEA2 architects via a signed letter to be their representative for the variance process. Please feel free to contact me at (612) 929-2800 ext 17 if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Hillger". The signature is written in a cursive style with a long horizontal line extending to the left and a flourish at the end.

Tyler Hillger, AIA  
Project Manager  
TEA2 Architects

March 5<sup>th</sup>, 2015

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#### Explanation of Request:

This variance request is to have the lower level excluded from the FAR calculations. The project is a proposed remodeling/addition in an R1 zoning district that has a limit of 50% FAR (*Floor Area Ratio*).

The existing residence being remodeled was originally constructed in 1906. The first floor elevation was built 2'-9" above exterior grade on the front elevation at the time of construction. The trigger to exclude the lower level in the FAR calculation is due to the unique circumstances brought on by *steep slope* on the property and the *height the first floor plane is above grade*.

The neighborhood has similar steep slope conditions existing on other properties throughout the block of which a number of homes have needed to build significant retaining walls to achieve functioning yards. Because of the practical difficulties and circumstances unique to the property related to original floor height and steep slope, two conditions the current owner had no control of, we feel granting a variance would be reasonable.

#### A. The Proposed Variance will:

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.*
  - a. The properties practical difficulty is two parted; one difficulty relating to steep slope (is under a separate variance request via the *Shoreland Overlay District*) and the other difficulty relating to the original first floor height above grade which are both circumstances not created by the current owner.
    - 1) **Steep Slope:** These practical difficulties exist because of the unique circumstances of the site sloping significantly from front to back. (See images - FAR9-FAR13) These images express the extreme down slope of twenty plus feet from the east property line to the northwest property corner. Portions of the property are steep enough they even triggered a

steep slope variance as required by the *Shoreland Overlay District*.

- 2) **Original Finish Floor Elevations from 1906:** These practical difficulties exist due to the original first floor elevation established in 1906. This original elevation was constructed a minimum of 2'-9" above grade on the front (east) elevation creating a minimum of 5 steps to the front entry (See Image - FAR14). The surface contours drop 8'-7" to the back of the house exposing a large portion of the lower level (See Image - FAR12 - FAR13). Based on city code, this means 100% of the lower level is above typical code maximum 2'-6" above grade. Because the site slopes more than 4'-0" from front to back the code will allow 4'-0" exposed at 50% max. However even at 4'-0" the existing residence would still have 78.1% exposed more than 4'-0" above grade prior to any construction due to the steep slope. Practical difficulties exist because strict adherence to the zoning code prohibits any possible modification to the house since the house is currently non-conforming prior to any construction due to the height the house was built above grade.
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.*
    - a. The purpose of maximum floor area regulations is to prevent the creation of "monster homes" taking up the entire lot and towering above the surrounding properties and not taking neighbors into mind. This project is a remodeling/addition conscious of its neighbors and integration. The overall height of this project is not changing, and over 80% of the project is being proposed on the lower level. Much of the proposed work will not be seen from the street, alley or in many cases from any angle. The proposal is of reasonable use for this property, because it is discrete and stays within the character and scale of the home and established neighborhood.
    - b. The addition/remodeling has been designed in a reasonable manner and keeps with the character of the existing home as described below.
      - 1) **Precedence** - Many of the surrounding neighbors were built in the early 20<sup>th</sup> century and have similar relationships with the height above surrounding grade and steep slope. Many homes on the block have a number of steps before accessing the porch (See Images - FAR15-FAR17). The proposed design has been conscious to blend in with surrounding neighbors well.
      - 2) **Keeping a Low Profile** -The vast bulk of the proposed program (80%) is designed to be on the lower level on the back of the house and won't be visible from most angles. (See Plans and Architects Elevations) (See Image - FAR19-FAR20) for the proposals approximate massing.
      - 3) **Front Entry Porch** - The open front entry porch of the house will add a much more historically appropriate design with a traditional flat roof, cut stone columns and painted decorative trim keeping with the spirit of the

neighbors where over 70% of the residences on the block have similar covered flat roof entry designs (See Image - FAR21).

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.*

a. There will be little perceived difference between the existing structure and what is being proposed since the majority of the project is on the backside of the house and on the lower level. The proposed use of this property is similar to surrounding neighbors since many of the neighbors have significant contours and heights above grade. The proposal **does not** alter the essential character of the locality since the addition is an extension of and in keeping with the historical character of the house.

1) **Historical Character** - A significant part of the project is to improve the historical character of the house. Existing windows will be replaced with new high quality aluminum clad windows with divided lites representing a more historical feel. The new windows will also be adding a more traditional and detailed wood trim throughout the exterior of the residence. (See Image - FAR21)

2) **Elevations** - (See Drawn Elevations)

a) **All Elevations** - Existing stucco will be re-dashed throughout the exterior.

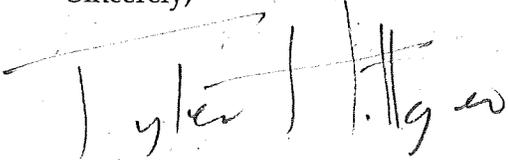
b) **East Elevation** - The proposal adds a covered front entry with sitting area on the first floor. Below grade under the covered front entry proposes a mechanical room under. This proposed mechanical space won't be seen due to it being completely beneath the front entry. This mechanical space will be used to modernize and increase the efficiency of the existing mechanical.

c) **North Elevation** - The proposal adds a short Den and Recreation space extension off the existing Kitchen/Dining. For winter safety and personal security a below grade stair is proposed to access the alley garage. This portion of the structure will not be seen from any angle since it will be fully below the proposed lower level recreation area. This addition will help avoid any treacherous steps on the outside of the house in poor weather conditions.

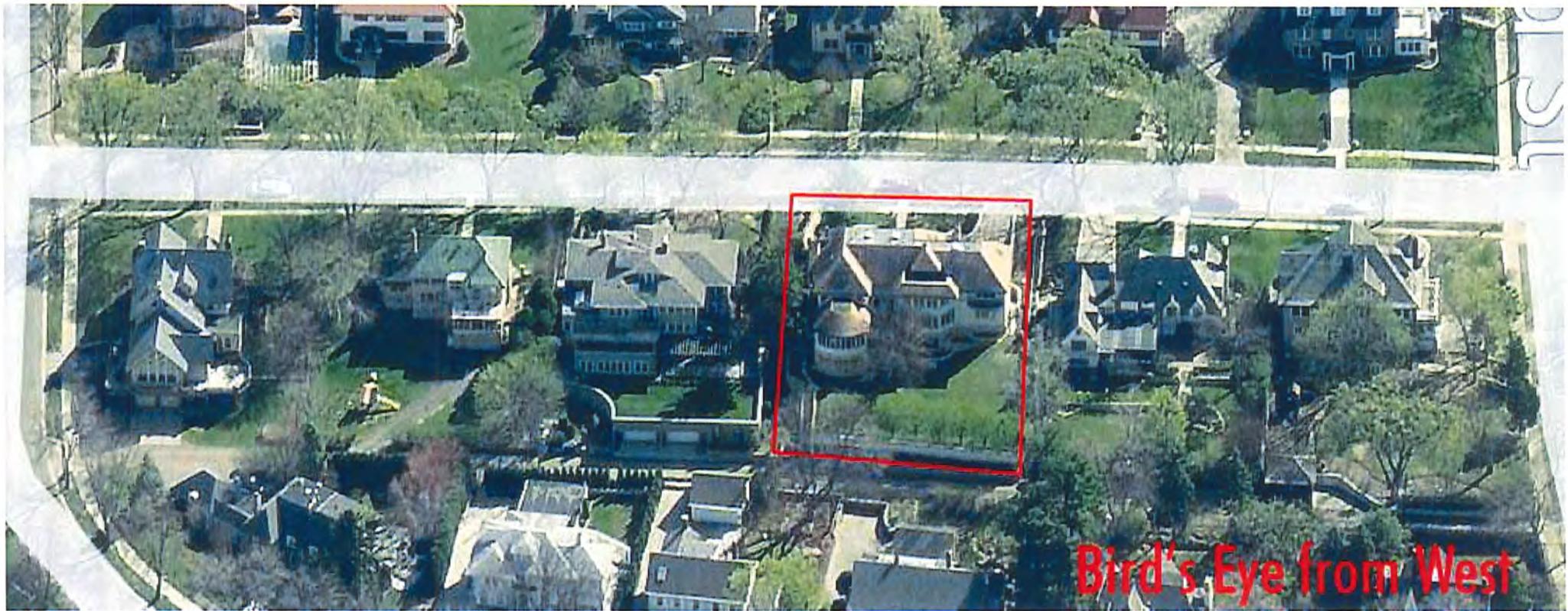
d) **West Elevation** - The general profile and overall height of the proposed structure will remain the same. The majority of the construction (80%) is on the lower level and is designed to minimize its ability to be seen from most angles. Access to the alley garage via the below grade stair does not affect the character of the home while adding a safe and secure access to the existing alley garage.

- e) **South Elevation** - The patio addition with lower level exercise and storage space beneath maintains a low profile and matches existing materials.
- b. The proposal is **not** injurious or detrimental to health, safety, or welfare of the general public or of those utilizing the property or nearby properties with the project being designed to meet all setbacks, and be built to meet all health, welfare and safety requirements and codes. The project is being structurally engineered by *Eric Bunkers & Associates Structural Engineers*.

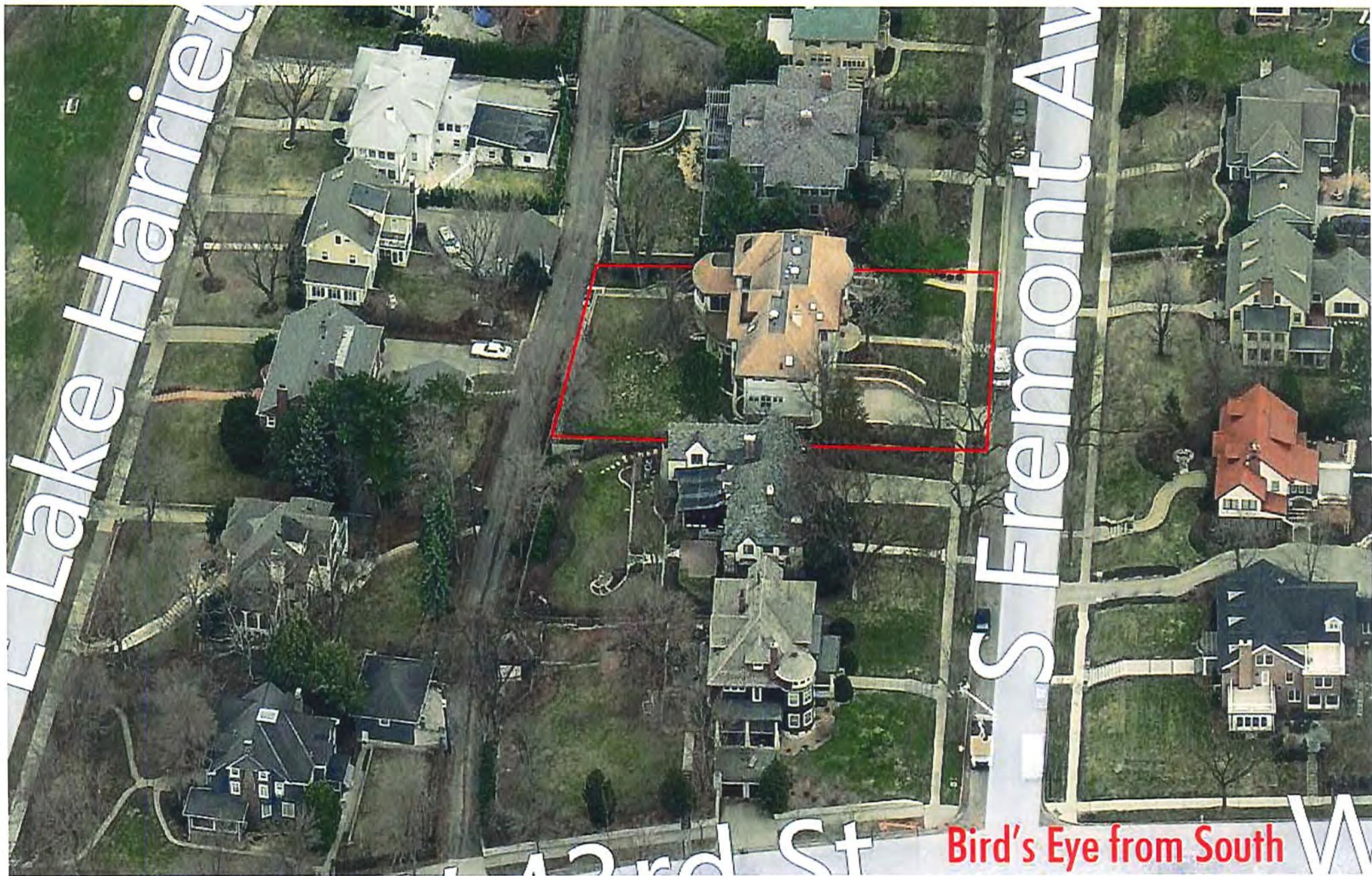
Sincerely,

A handwritten signature in black ink that reads "Tyler Hillger". The signature is written in a cursive style with a long horizontal line extending from the top of the first letter.

Tyler Hillger, AIA  
Project Manager  
TEA2 Architects



**Bird's Eye from West**



Lake Harriet

Fremont Av

2nd St

Bird's Eye from South

FAR 2



SOUTH  
NEIGHBOR

FAR 3



NORTH NEIGHBOR

FAR 4



East Elevation



South Elevation



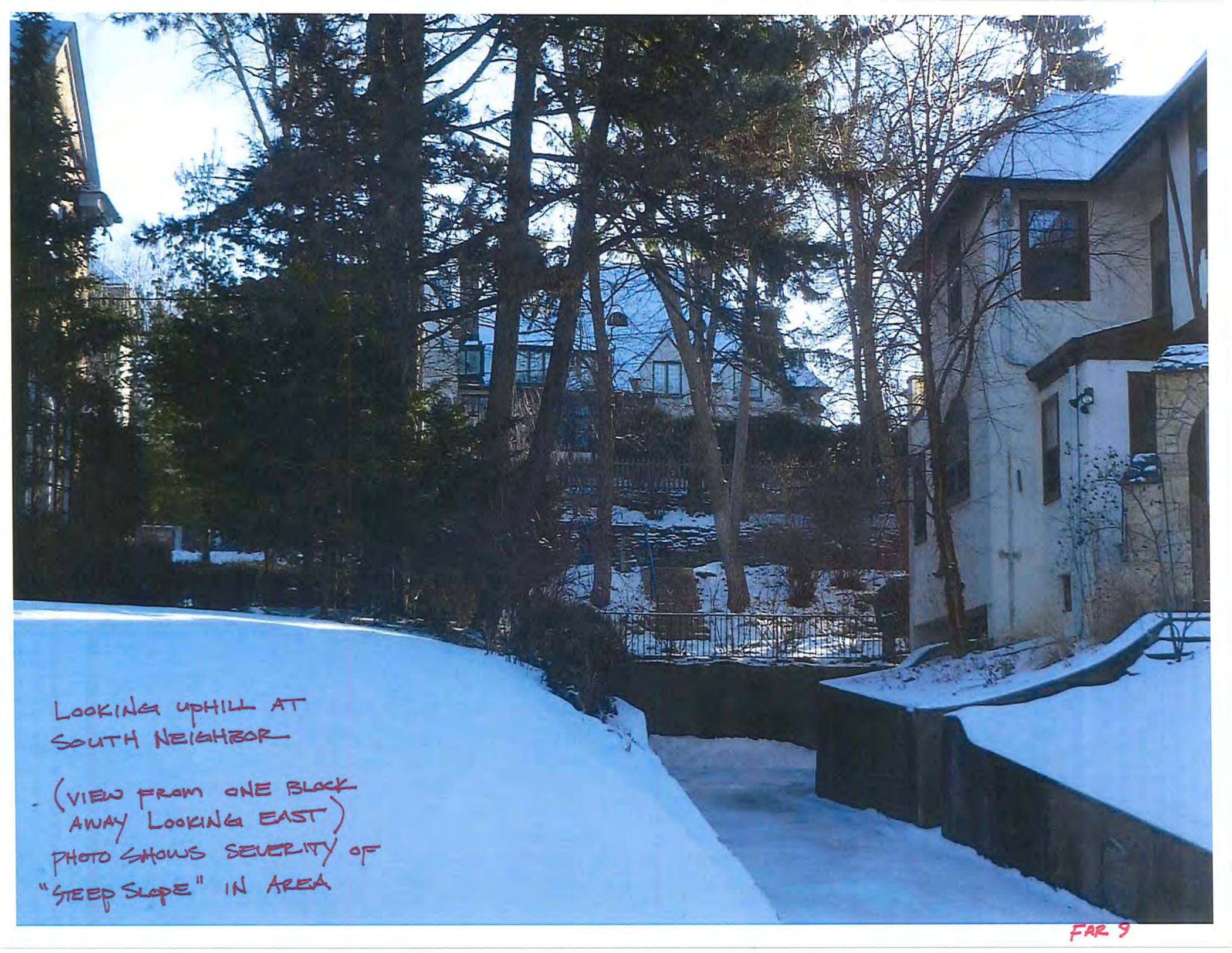
**North Elevation**

**FAR 7**



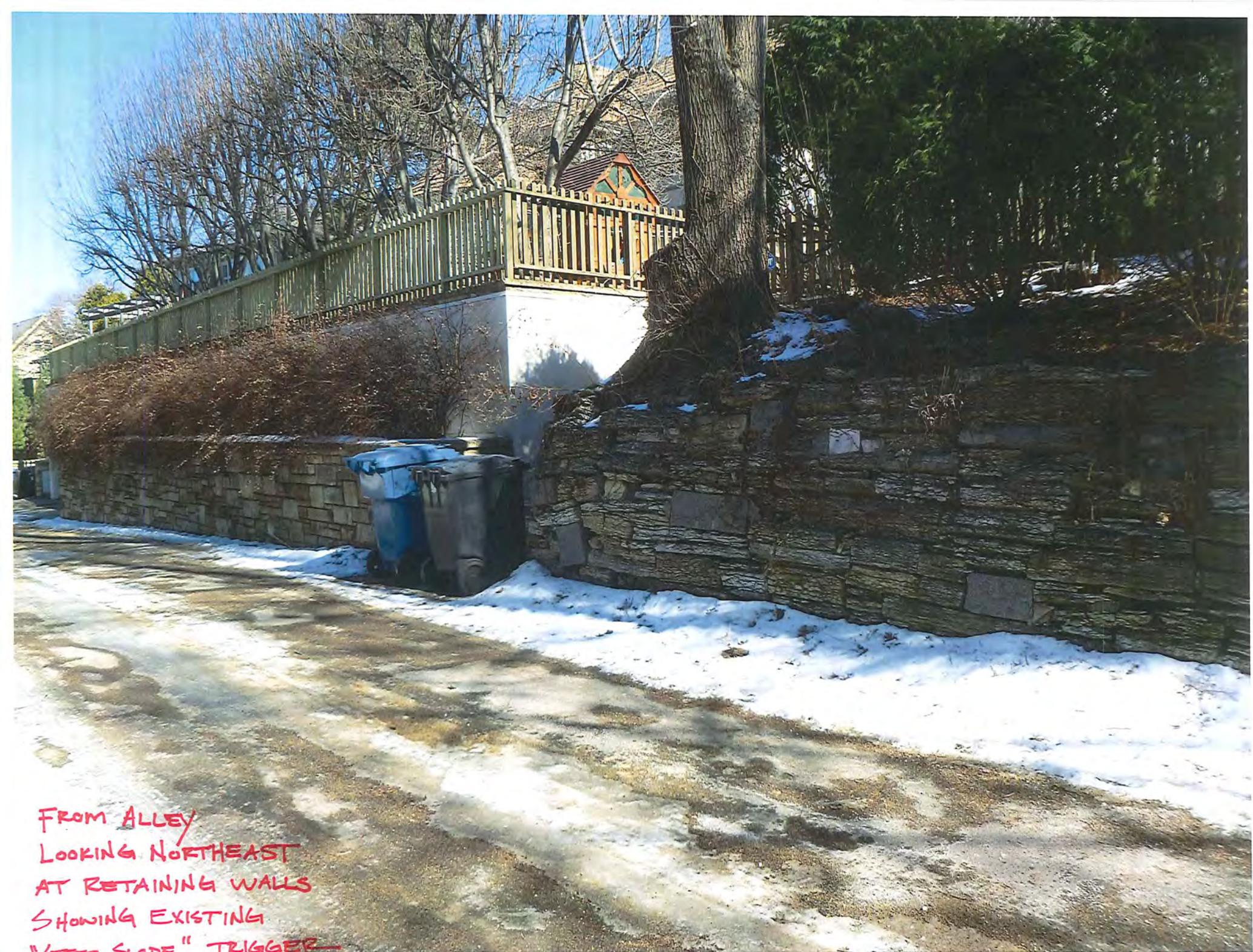
**West Elevation**

**FAR 8**



LOOKING UPHILL AT  
SOUTH NEIGHBOR

(VIEW FROM ONE BLOCK  
AWAY LOOKING EAST)  
PHOTO SHOWS SEVERITY OF  
"STEEP SLOPE" IN AREA



FROM ALLEY  
LOOKING NORTHEAST  
AT RETAINING WALLS  
SHOWING EXISTING  
"STEEP SLOPE" TRIGGER

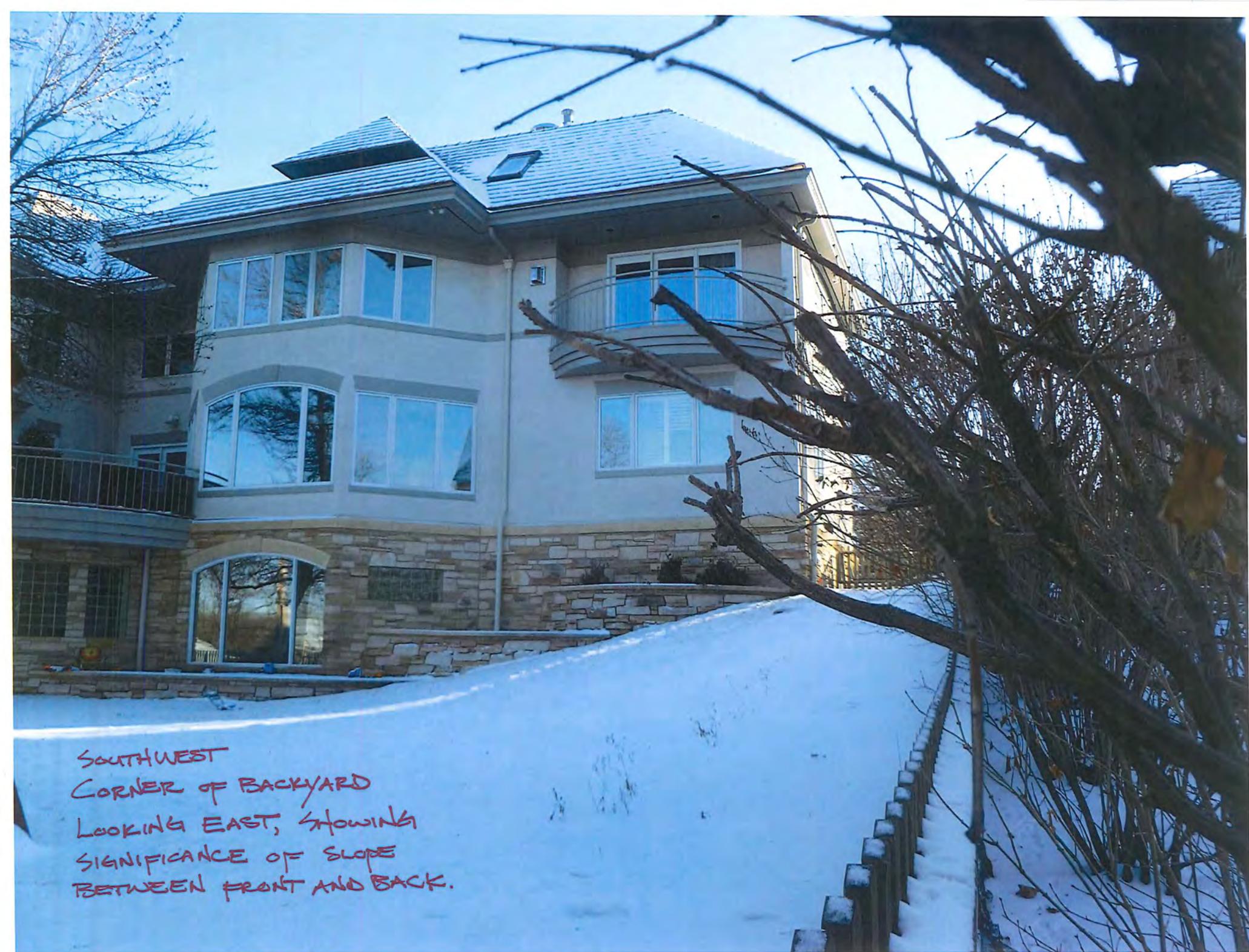
FAR 10



NORTH  
NEIGHBOR'S  
GARAGE

FROM ALLEY  
LOOKING SOUTH AT  
GARAGES AND  
RETAINING WALLS

FAR 11



SOUTHWEST  
CORNER OF BACKYARD  
LOOKING EAST, SHOWING  
SIGNIFICANCE OF SLOPE  
BETWEEN FRONT AND BACK.



BACKYARD NEXT TO HOUSE  
LOOKING SOUTH, SHOWING  
SIGNIFICANCE OF SLOPE SIDE YARD  
TO BACK

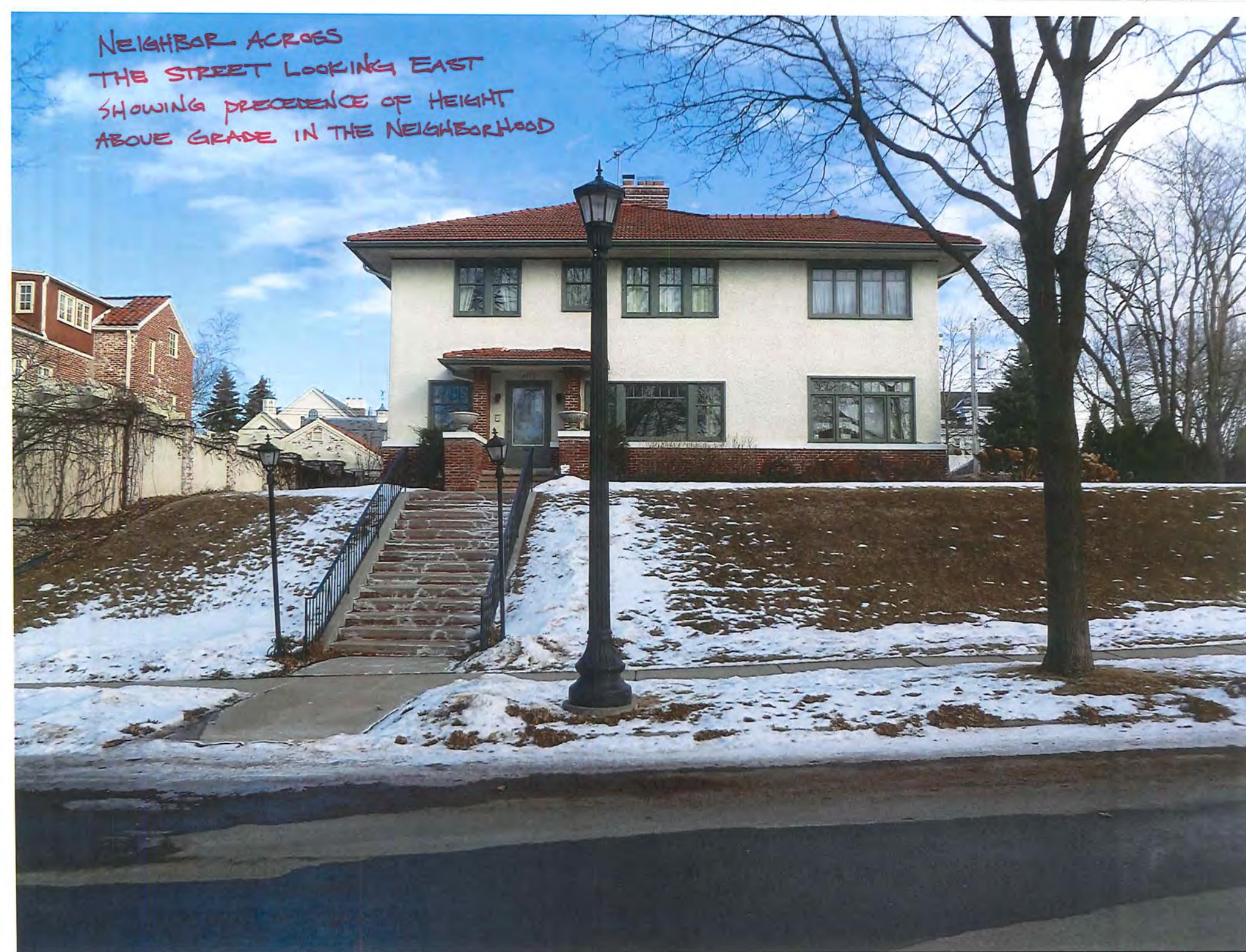
FAR 13

FIRST FLOOR ELEVATION IS  
2'-9" ABOVE GRADE



FAR 14

NEIGHBOR ACROSS  
THE STREET LOOKING EAST  
SHOWING PRECEDENCE OF HEIGHT  
ABOVE GRADE IN THE NEIGHBORHOOD



FAR 15

SECOND NEIGHBOR  
TO THE SOUTH  
SHOWING PRECEDENCE  
OF HEIGHT ABOVE GRADE



FAR 16

NORTH NEIGHBOR FIRST FLOOR  
ELEVATION SUBSTANTIALLY  
ABOVE GRADE



FAR 17



SOUTH NEIGHBOR

PROPERTY APPLYING  
FOR VARIANCE

NORTH NEIGHBOR

SCALE OF EXISTING HOUSE FITS  
WELL WITH NEIGHBORS.  
HEIGHT TO REMAIN UNCHANGED.



DIAGRAM OF PROPOSED  
FAMILY ROOM ADDITION

FAR 19

DIAGRAM OF  
PROPOSED EXERCISE  
ROOM ADDITION

FAR 20





RENDERING OF PROPOSED  
COVERED FRONT ENTRY  
ADDITION AT EAST ELEVATION

FAR 21

March 5<sup>th</sup>, 2015

Minneapolis Planning Commission,

This application is being made on behalf of owners Steve and Melissa Keinath regarding the following property:

4224 Fremont Ave So.  
Minneapolis, MN 55409  
East Harriet Farmstead Neighborhood  
(Lots 7&8, Block 2, Lynnhurst, Minneapolis, Hennepin County, Minnesota)  
PID 09-028-24-42-0017

Explanation of Request:

The variance request is for a remodeling/addition on a R1 zoning district of which also lies within the *Shoreland Overlay Zoning District*. The trigger for the variance is *Steep Slope*. The client's property has some footed concrete retaining walls/stairs creating this condition. The north neighbors' property (LOT 5/6) also contains some footed concrete retaining walls/stairs in the southwest corner of their property which the top of the slope is within 40' of our projects proposed construction of the building expansion, patio, and patio stair.

A. The Proposed Variance will:

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 interest in the property and are not based on economic considerations alone.*
  - a. The properties practical difficulty is being located in the Shoreland Overlay District. (*Article VI-SH Shoreland Overlay District-Chapter 551*).
    - 1) These practical difficulties are triggered by concrete footed retaining walls near the northwest corner of the property and a concrete retaining wall along the entire length of the west property line which have triggered a "steep slope". This steep slope would not exist if the concrete structures didn't exist. Portions of our addition and landscaping are within the 40' radius of the top of the neighbors' manmade steep-slope. (See Images SS9-SS14)
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.*
  - a. The applicants addition/remodeling has been designed in a reasonable manner and keeps with the character of the existing home and surrounding neighborhood. All current soil grades to remain the same. Exterior materials are designed to remain stucco and stone. Windows on all sides of the house are being replaced and upgraded to a more historical look with additional exterior millwork. The front of

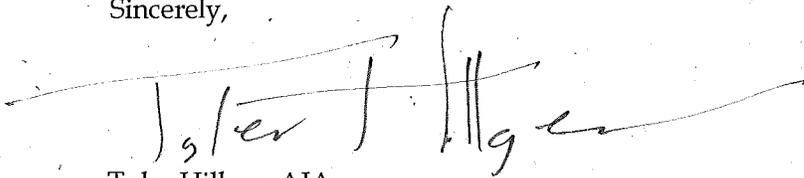
the house is also adding a more traditional formal entry with places for pedestrian interaction on the exterior. (See drawings Elevations)

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.*
  - a. The proposal **does not** alter the essential character of the locality nor will it be injurious with a small first floor tempered addition being added on the back side of the house. 80% of the proposed project is on the lower level with a large portion having a flat roof designed to be minimally visual. The proposal is **not** detrimental to health, safety, or welfare of the general public or of those utilizing the property or nearby properties with the project structurally engineered by *Eric Bunkers & Associates Structural Engineers*.

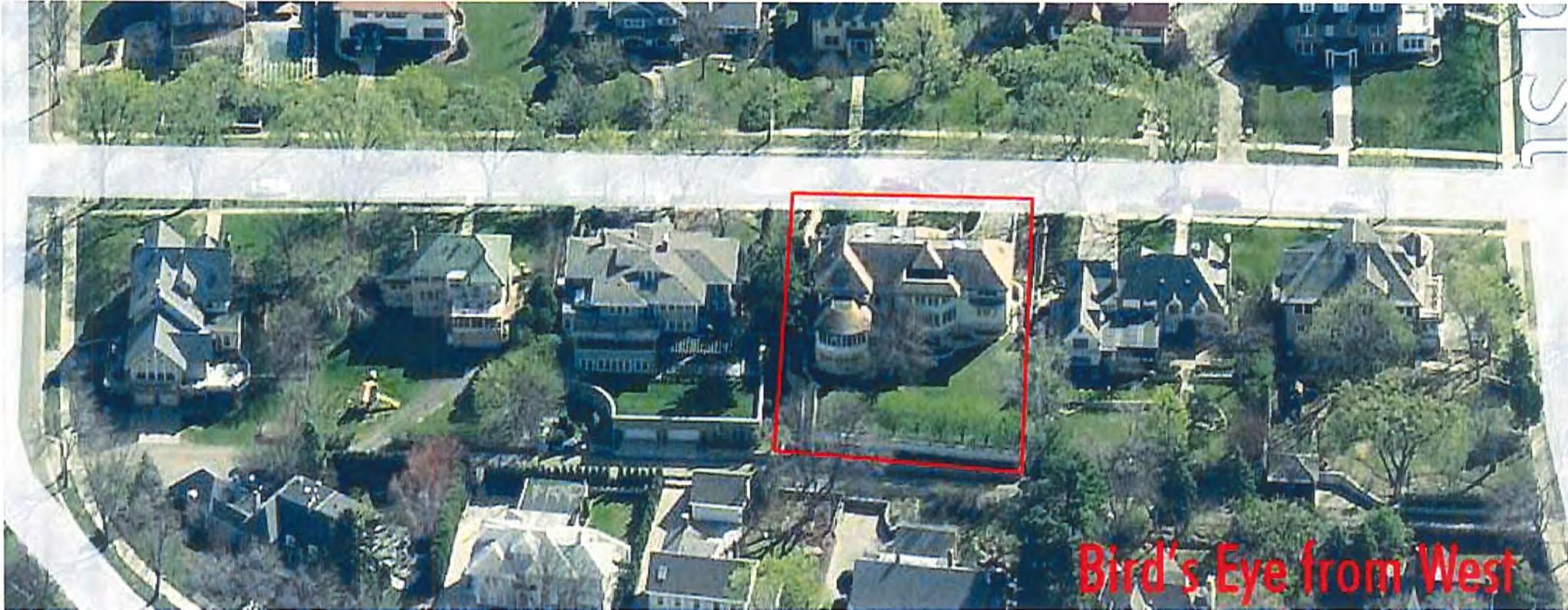
B. *The Variance in relation to the Shoreland Overlay District will:*

1. *The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*
  - a. All measures are being used to control erosion during and after the construction. The project will use "Best Management Practices" with erosion and sediment control and water quality practices that are the most effective and practicable means of controlling, preventing and minimizing degradation of surface water.
  - b. No modifications have been done to soil contours on the perimeter of the property where contouring ties in with neighbors property.
2. *Limiting the visibility of structures and other development from protected waters.*
  - a. The project is not visible from the nearby water as the project is 475+ feet away from shoreline with housing, mature trees and vegetation between the project and the nearby shoreline to the west.
3. *The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.*
  - a. The project doesn't not have direct access to the nearby water in question. N.A.

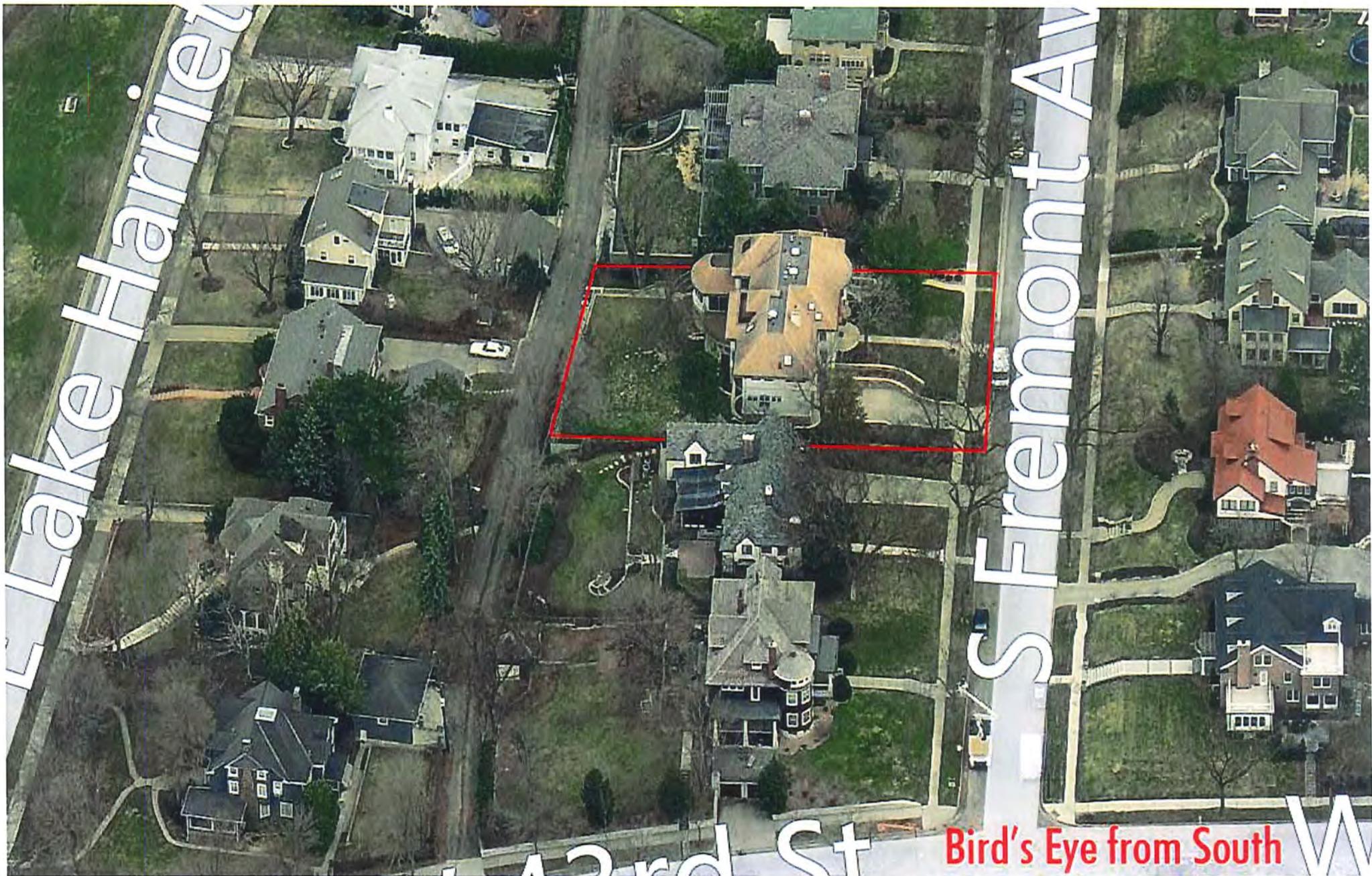
Sincerely,



Tyler Hillger, AIA  
Project Manager  
TEA2 Architects



**Bird's Eye from West**



Lake Harriet

Fremont Av

2nd St

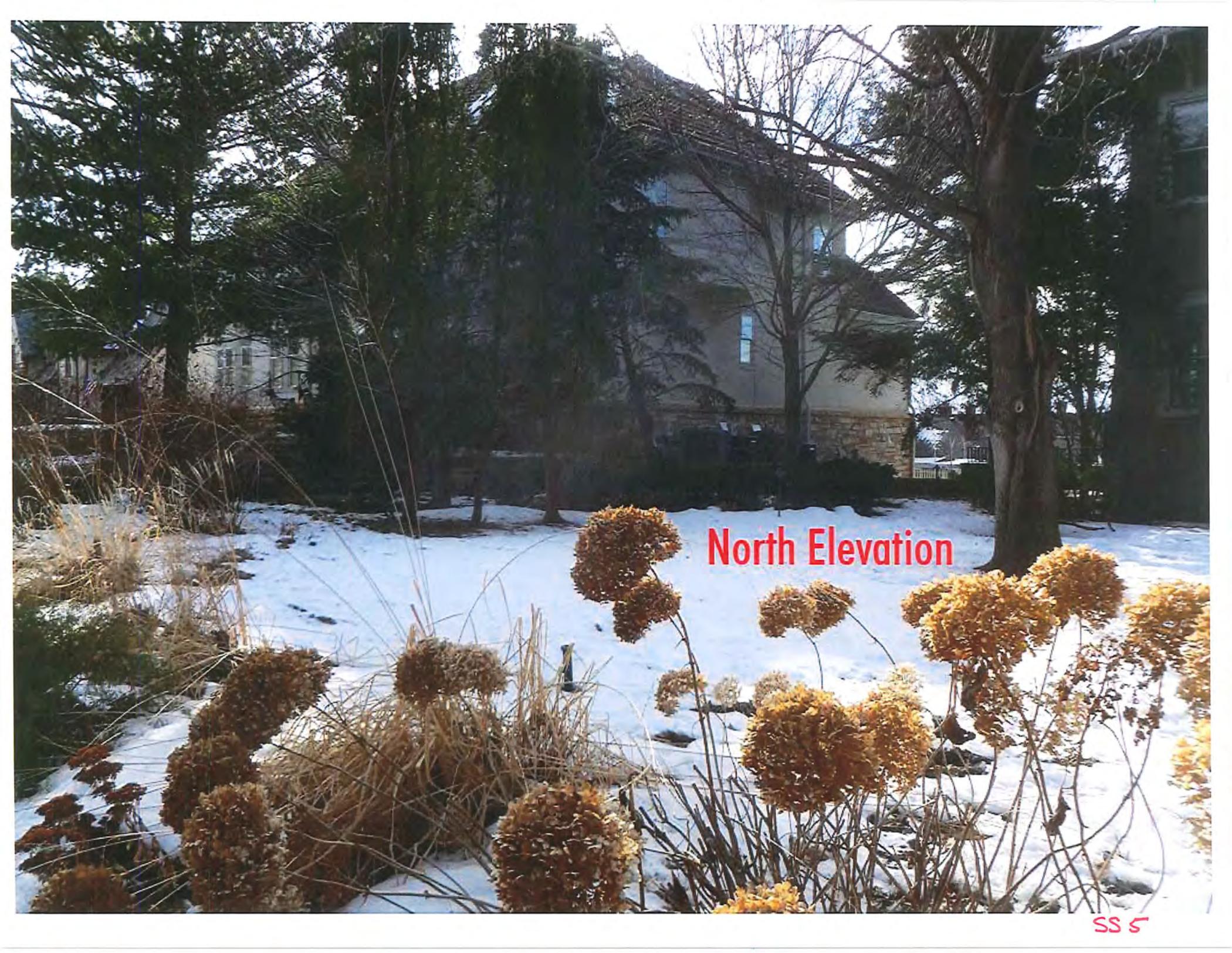
Bird's Eye from South



East Elevation



South Elevation



North Elevation



**West Elevation**

SS 6

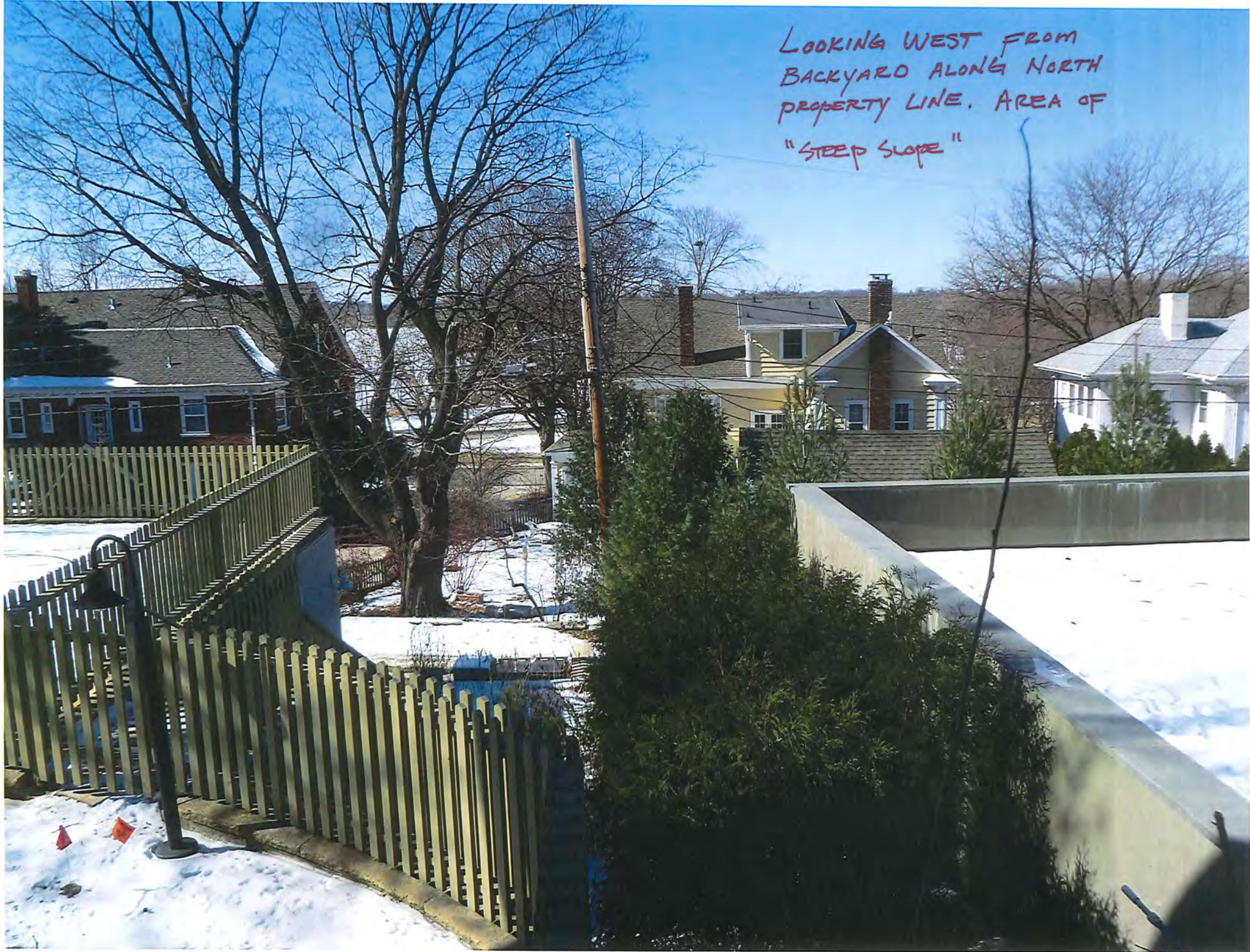


SOUTH  
NEIGHBOR



NORTH NEIGHBOR - NOTICE THE 6 STEPS FROM GRADE TO FIRST FLOOR

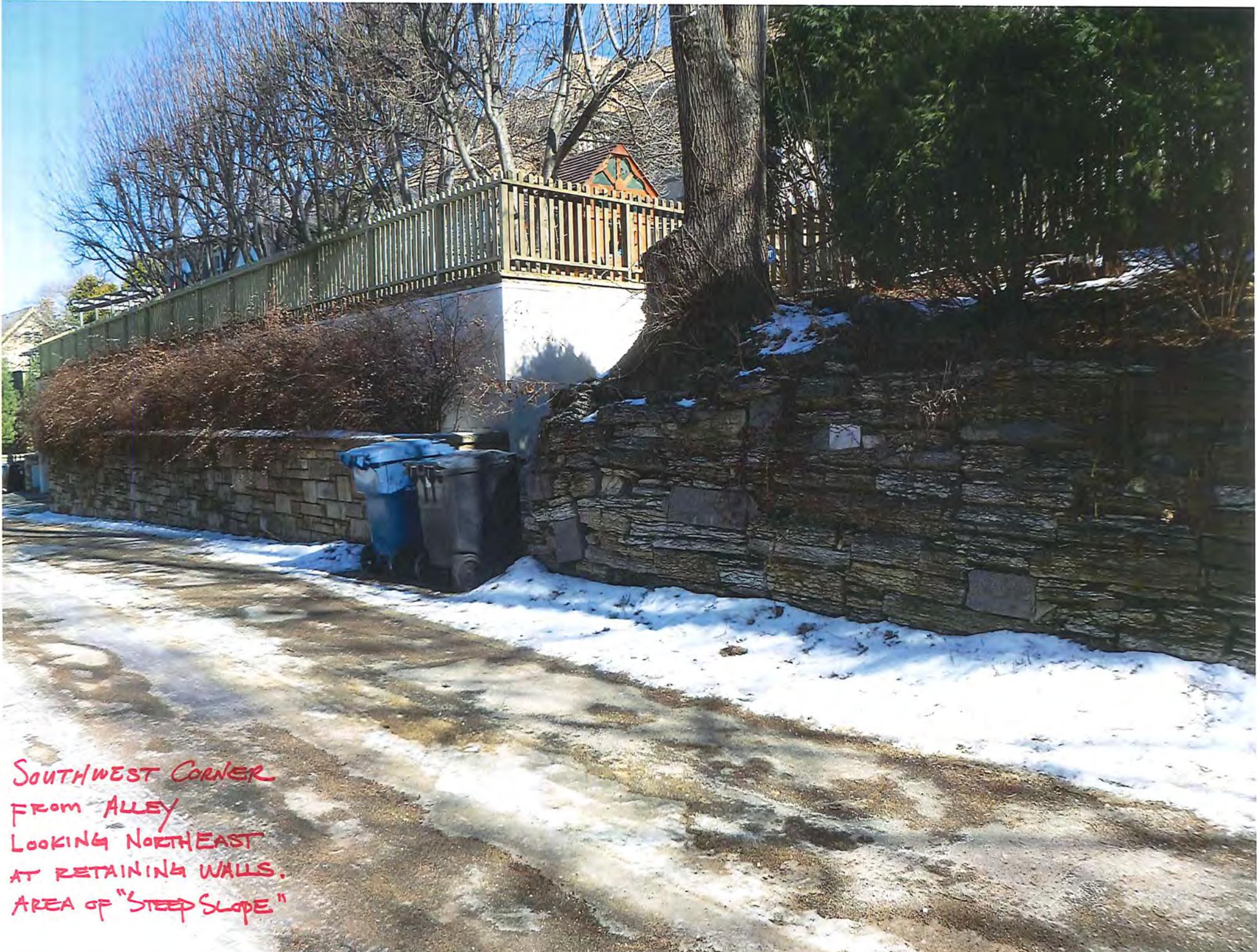
LOOKING WEST FROM  
BACKYARD ALONG NORTH  
PROPERTY LINE. AREA OF  
"STEEP SLOPE"





AREA OF  
"STEEP SLOPE"  
NORTHWEST CORNER OF PROPERTY  
LOOKING EAST UP FROM ALLEY

NORTH WEST CORNER  
LOOKING WEST  
DOWN TO ALLEY.  
AREA OF "STEEP  
SLOPE"



SOUTHWEST CORNER  
FROM ALLEY  
LOOKING NORTHEAST  
AT RETAINING WALLS.  
AREA OF "STEEP SLOPE"



NORTHWEST CORNER  
LOOKING WEST  
DOWN TO ALLEY

AREA OF  
"STEEP SLOPE"

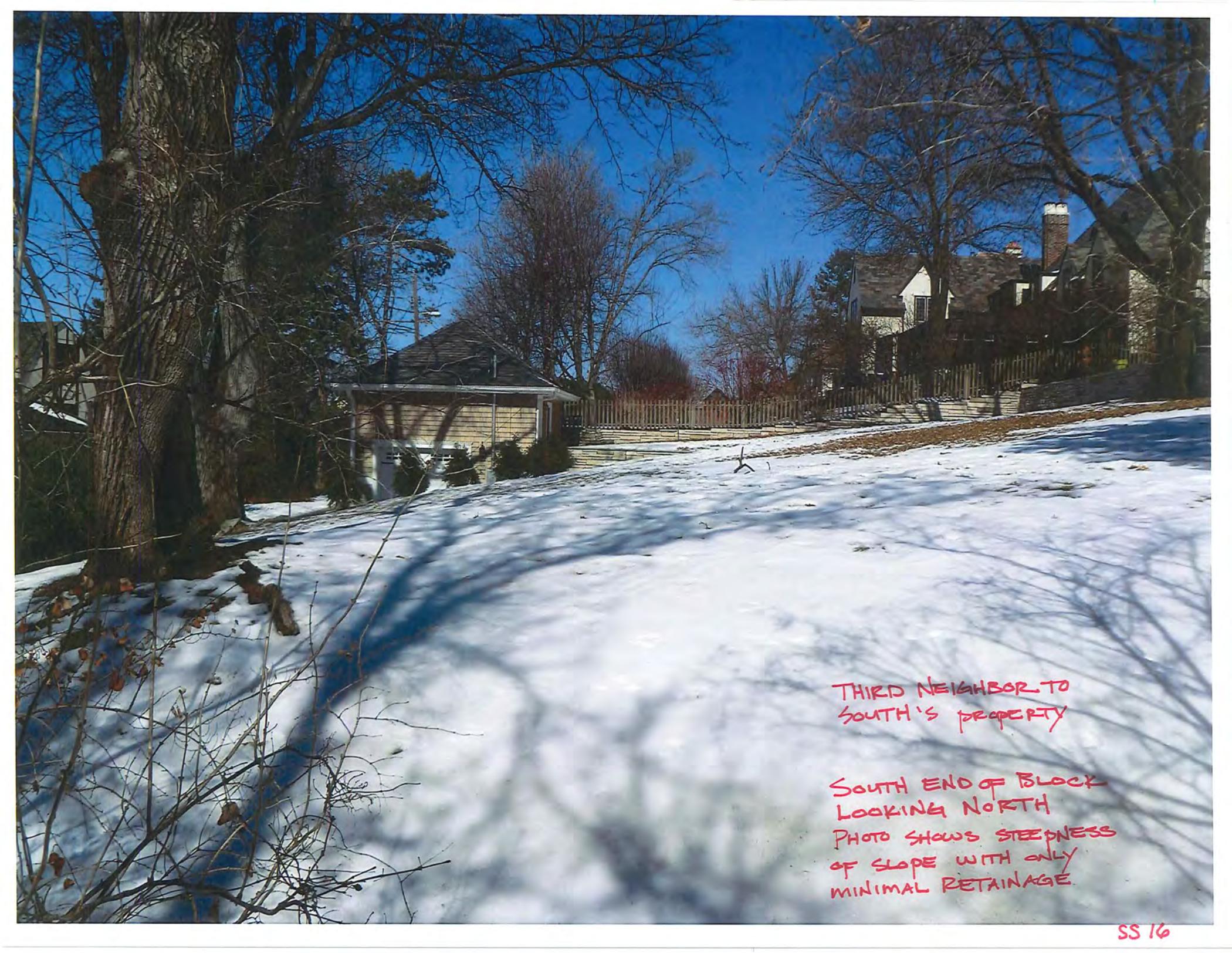


NORTH  
NEIGHBOR'S  
GARAGE

FROM ALLEY  
LOOKING SOUTH AT  
GARAGES AND  
RETAINING WALLS

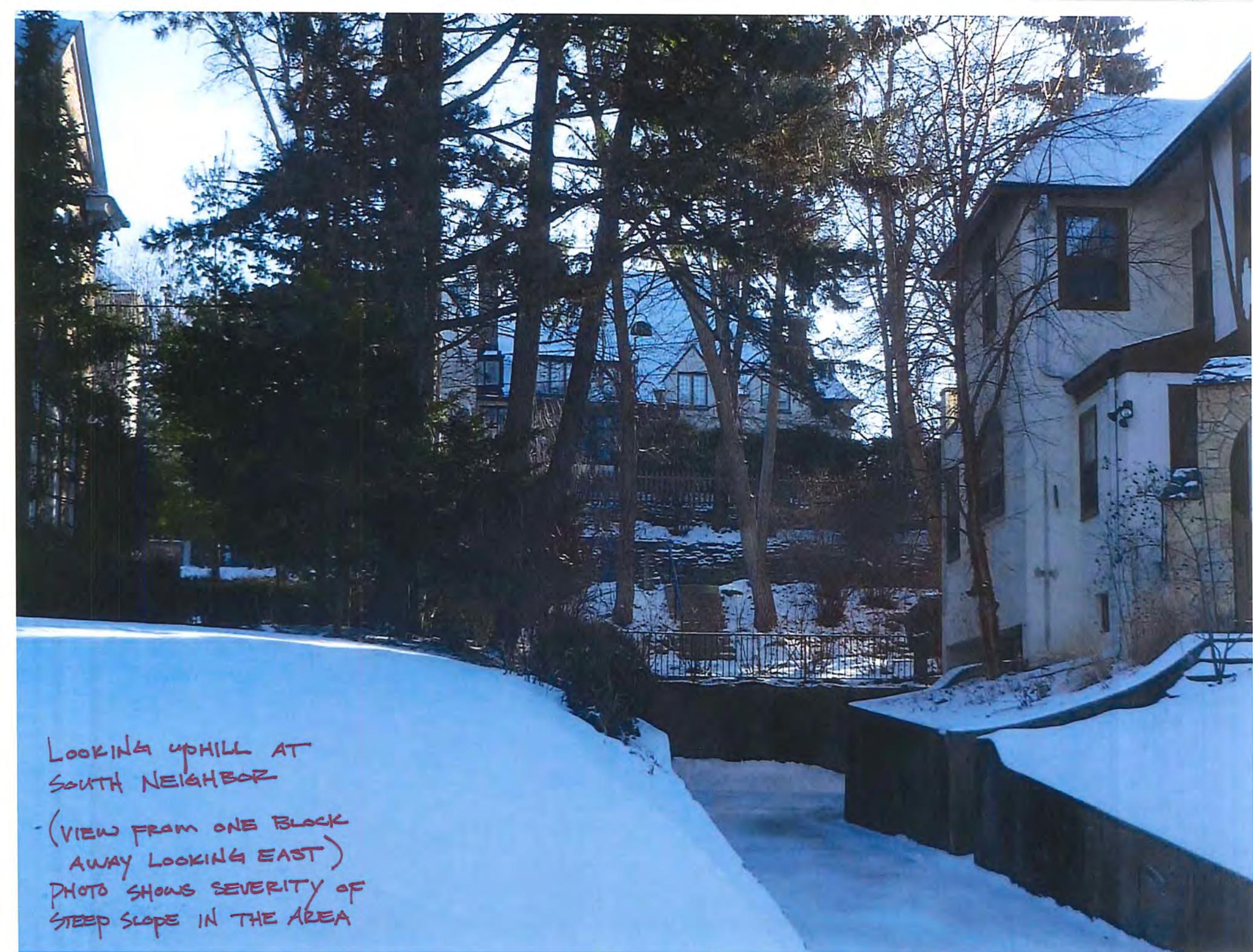
PHOTO SHOWS STEEPNESS OF  
SLOPE WITH PARTIAL  
RETAINAGE.

STANDING AT  
SOUTH END OF BLOCK  
SHOWING SLOPE FROM  
THE SIDE. LOOKING NORTH



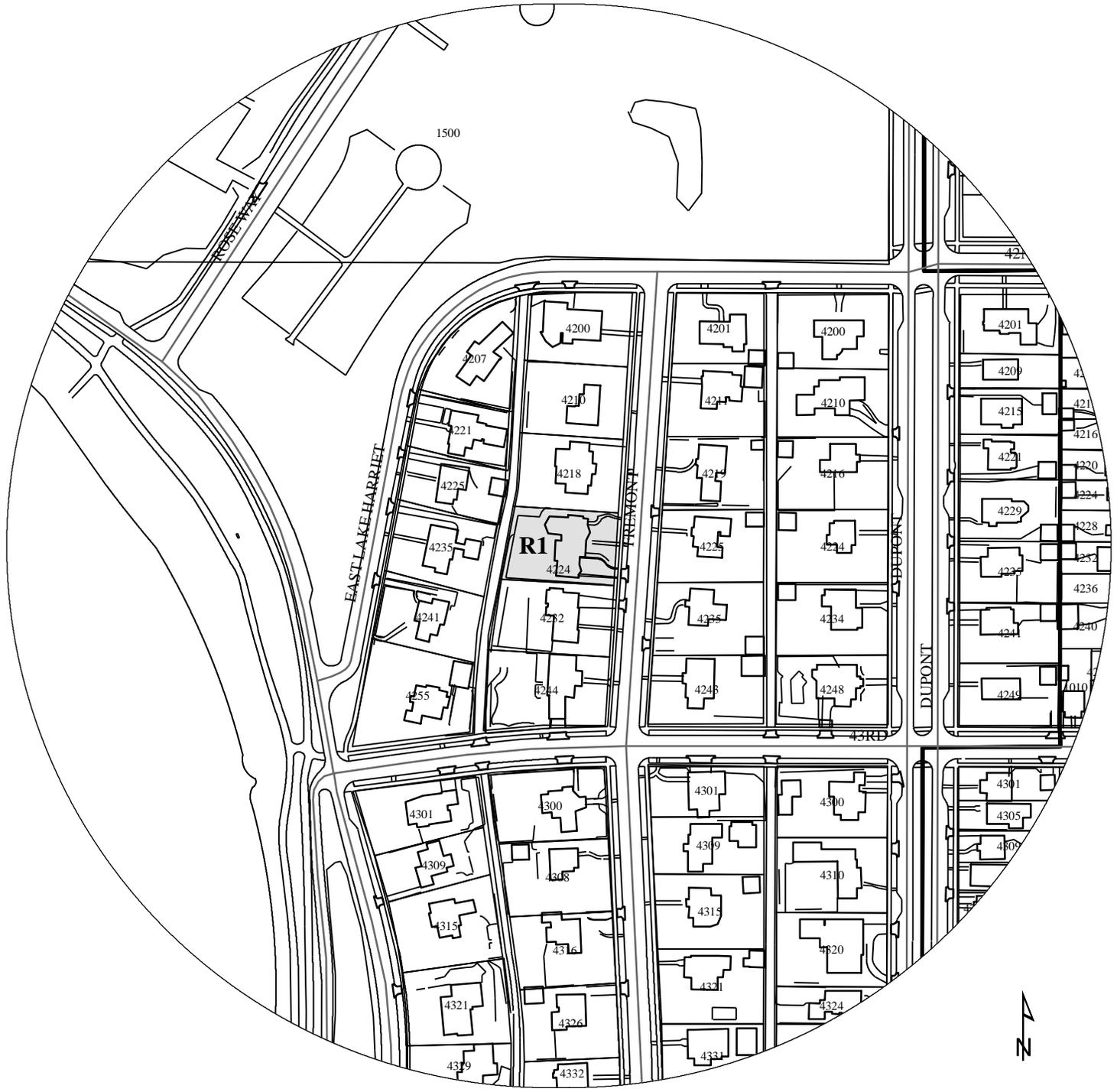
THIRD NEIGHBOR TO  
SOUTH'S PROPERTY

SOUTH END OF BLOCK  
LOOKING NORTH  
PHOTO SHOWS STEEPNESS  
OF SLOPE WITH ONLY  
MINIMAL RETAINAGE.



LOOKING UPHILL AT  
SOUTH NEIGHBOR

(VIEW FROM ONE BLOCK  
AWAY LOOKING EAST)  
PHOTO SHOWS SEVERITY OF  
STEEP SLOPE IN THE AREA



PROPERTY ADDRESS

**4224 Fremont Ave S**

FILE NUMBER

**BZZ-7070**

**KEMPER & ASSOCIATES INC.**

PROFESSIONAL LAND SURVEYORS

721 OLD HIGHWAY B N.W.  
NEW BRIGHTON, MINNESOTA 55112  
651-631-0351  
FAX 651-631-8805  
email: kemper@pro-ns.net  
www.kemper-surveys.com

**THE KEINATH RESIDENCE**

4224 FREMONT AVENUE SOUTH  
CITY OF MINNEAPOLIS, HENNEPIN COUNTY, MINNESOTA

1 INCH EQUALS 10 FEET

BASE FOR BEARINGS:  
HENNEPIN COUNTY  
COORDINATE SYSTEM  
(NAD 83, 1984)

BASE FOR ELEVATION:  
CITY OF MINNEAPOLIS  
MONUMENT NO. 285  
AT THE INTERSECTION  
OF 2ND ST. &  
KNOX HWY.  
ELEV.=864.68 (VDOT 20)

(VA REAL TIME GPS  
MEASUREMENTS UTILIZING  
MINNESOTA DEPARTMENT  
OF TRANSPORTATION  
VRS NETWORK)

CONTOUR INTERVAL=1 FOOT



VICINITY MAP  
(NO SCALE)



REAR OF 4224 FREMONT AVENUE SOUTH  
CITY OF MINNEAPOLIS, HENNEPIN COUNTY, MINNESOTA



FRONT OF 4224 FREMONT AVENUE SOUTH  
CITY OF MINNEAPOLIS, HENNEPIN COUNTY, MINNESOTA

**LEGAL DESCRIPTION**  
CERTIFICATE OF TITLE NO. 1341065  
Lots 7 and 8, Block 2, Lynnhurst,  
Minneapolis, Minn.

**AREA SUMMARY**

LOTS 7 & 8 = 14,947 SQ. FT. OR 0.3431 ACRES  
HOUSE FOOTPRINT = 3,223 SQ. FT.  
CONCRETE DRIVEWAY = 1,065 SQ. FT.  
FRONT STOOP = 111 SQ. FT.  
STONE WALKS = 263 SQ. FT.  
STONE PAD/PATIO = 57 SQ. FT.  
STONE STEPS = 113 SQ. FT.  
CONCRETE APRON = 129 SQ. FT.  
CONCRETE STEPS = 96 SQ. FT.  
CONCRETE PADS = 77 SQ. FT.  
TOTAL IMPERVIOUS SURFACE COVERAGE =  
5,134 SQ. FT. (34.3% OF PROPERTY AREA)



NOTE: THE FRONT TWO  
PROPERTY IRONS MAY  
BE USED FOR ELEVATION  
BENCHMARKS FOR THIS  
SURVEY

**LEGEND**

- 880 - EXISTING CONTOUR LINE
- X887.56 - EXISTING SPOT ELEVATION
- SSM# - SANITARY SEWER MANHOLE
- PP - POWER POLE
- LP - LAMP POST
- WV - WATER VALVE
- EM - ELECTRIC METER
- AC - AIR CONDITIONER
- OH - OVERHEAD UTILITY LINES
- SS - SANITARY SEWER
- W - WATER MAIN/SERVICE
- G - GAS MAIN/SERVICE
- UE - UNDERGROUND ELECTRIC LINES
- UT - UNDERGROUND TELEPHONE LINES
- (M) - DENOTES DIMENSION MEASURED DURING THE COURSE OF THIS SURVEY
- (R) - DENOTES RECORD DIMENSION AS PER PLAN OF LYNNHURST
- - DENOTES SET SURVEY MONUMENT MARKED "KEMPER 18407"

FLOORPLAN NOTE:  
SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X"  
(AREAS REFERRED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 27000-0306 E, DATED SEPTEMBER 2, 2004, HENNEPIN COUNTY, MINNESOTA

PREPARED FOR:  
STEVE & MELISSA KEINATH  
4224 FREMONT AVENUE SOUTH  
MINNEAPOLIS, MINNESOTA 55409  
612-875-1805

ARCHITECT:  
TYLER HILGER, AIA  
TEA2 ARCHITECTS  
2724 WEST 43RD STREET  
MINNEAPOLIS, MINNESOTA 55410  
612-929-2800



DATE: THIS 21st DAY OF FEBRUARY, 2014

**ZONING REQUIREMENTS**  
ZONED R1 - SINGLE-FAMILY RESIDENTIAL DISTRICT  
SUBJECT TO SHORELAND OVERLAY DISTRICT  
MINIMUM LOT AREA - 6,000 SQ. FT.  
MINIMUM LOT WIDTH - 50 FEET  
MAXIMUM FLOOR AREA RATIO - 0.5 OR 2,000 SQ. FT. OF GROSS FLOOR AREA, WHICHEVER IS GREATER  
MAXIMUM LOT COVERAGE - 50% BY STRUCTURES  
MAXIMUM IMPERVIOUS SURFACE COVERAGE - 65%  
MAXIMUM HEIGHT - 2.5 STORIES OR 30 FEET, WHICHEVER IS LESS

**BUILDING SETBACKS**  
FRONT - 25 FEET (THE REQUIRED FRONT YARD SHALL BE INCREASED WHERE THE ESTABLISHED FRONT YARD OF THE CLOSEST PRINCIPAL BUILDING ORIGINALLY DESIGNED FOR RESIDENTIAL PURPOSES LOCATED ON THE SAME BLOCK OR ON THE SIDE OF THE PROPERTY EXCEEDS THE FRONT YARD REQUIRED BY THE ZONING DISTRICT; IN SUCH CASE, THE REQUIRED FRONT YARD SHALL BE NOT LESS THAN SUCH ESTABLISHED FRONT YARD, PROVIDED THAT THERE THERE ARE PRINCIPAL BUILDINGS ORIGINALLY DESIGNED FOR RESIDENTIAL PURPOSES ON BOTH SIDES OF THE PROPERTY, THE REQUIRED FRONT YARD SHALL BE NOT LESS THAN THAT ESTABLISHED BY A LINE JOINING THOSE PARTS OF BOTH BUILDINGS NEAREST TO THE FRONT LOT LINE, NOT INCLUDING ANY OBSTRUCTIONS ALLOWED)  
SIDE - 6 FEET  
REAR - 6 FEET

**ACCESSORY STRUCTURES:**  
A DETACHED ACCESSORY STRUCTURE SHALL NOT EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE OR 12 FEET, WHICHEVER IS LESS. THE MAXIMUM HEIGHT MAY BE INCREASED TO 16 FEET IF THE HEIGHT OF THE PRINCIPAL STRUCTURE, WHICHEVER IS LESS, WHERE THE PRIMARY EXTERIOR MATERIALS OF THE ACCESSORY STRUCTURE MATCH THE PRIMARY EXTERIOR MATERIALS OF THE PRINCIPAL STRUCTURE AND THE ROOF PITCH MATCHES THE PRIMARY ROOF PITCH OF THE PRINCIPAL STRUCTURE, AND PROVIDED THE WALL HEIGHT SHALL NOT EXCEED 10 FEET FROM THE FLOOR TO THE TOP PLATE.  
THE MAXIMUM FLOOR AREA OF ALL DETACHED ACCESSORY STRUCTURES, AND ANY ATTACHED ACCESSORY USE DESIGNED OR INTENDED TO BE USED FOR THE PARKING OF VEHICLES, SHALL NOT EXCEED 676 SQ. FT. OR 10% OF THE LOT AREA, WHICHEVER IS GREATER, NOT TO EXCEED 3,000 SQ. FT. DETACHED ACCESSORY STRUCTURES SHALL NOT EXCEED 10 FEET IN HEIGHT. ALL DETACHED ACCESSORY STRUCTURES SHALL UTILIZE PRIMARY EXTERIOR MATERIALS THAT MATCH THE PRIMARY EXTERIOR MATERIALS OF THE PRINCIPAL STRUCTURE AND THE ROOF PITCH SHALL MATCH THE ROOF PITCH OF THE PRINCIPAL STRUCTURE.  
NO DETACHED ACCESSORY BUILDING OR OPEN PARKING SPACE SHALL BE LOCATED CLOSER THAN 6 FEET FROM THE HABITABLE SPACE OF A DWELLING OF ANY TYPE, DETACHED PARKING GARAGES SERVING RESIDENTIAL USES SHALL BE LOCATED ENTIRELY TO THE REAR OF THE PRINCIPAL RESIDENTIAL STRUCTURE.  
THE INTERIOR SIDE YARD REQUIREMENT FOR A DETACHED ACCESSORY BUILDING IS LOCATED IN THE REAR 40 FEET OR REAR 20% OF THE LOT, WHICHEVER IS GREATER, PROVIDED THAT THE PRINCIPAL STRUCTURE ON THE ADJOINING LOT HAS ITS REAR WALL AT LEAST 40 FEET FROM THE REAR LOT LINE.  
THE REQUIRED REAR YARD REQUIREMENT FOR A DETACHED ACCESSORY BUILDING MAY BE REDUCED TO 1 FOOT, EXCEPT WHERE VEHICLE ACCESS DOORS FACE THE REAR LOT LINE, IN WHICH CASE NO REDUCTION OF THE REQUIRED YARD IS PERMITTED.  
(AS PER CITY OF MINNEAPOLIS ZONING CODE)

**CERTIFICATE OF SURVEY**

14184 (14184.DWG) D.B. TODD HOLDEN









Variance Application

Project Name

KEINATH  
 Residence

4224 Fremont Ave S  
 Minneapolis, MN

Drawing Title

Attic  
 Plan

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

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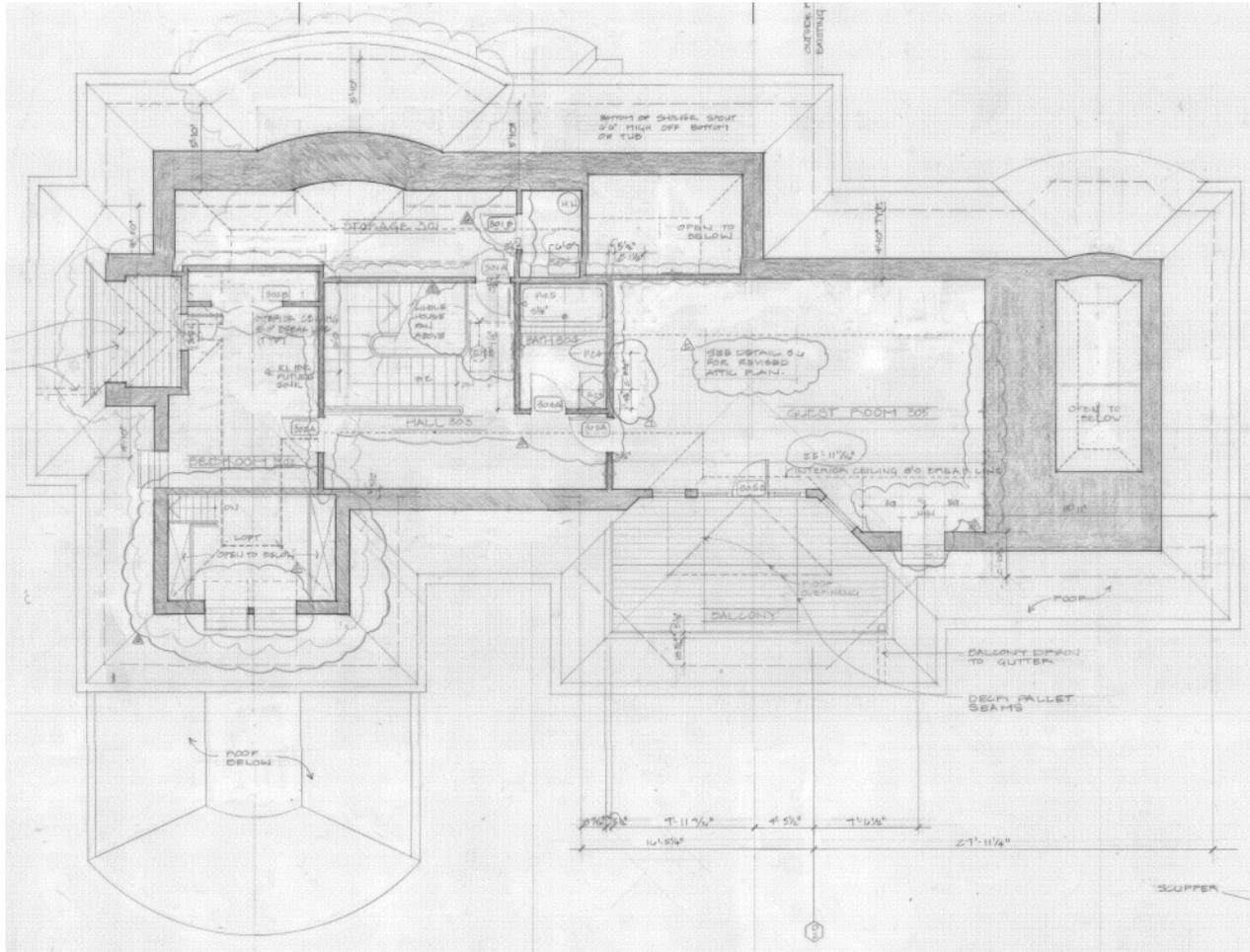
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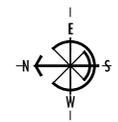
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① Attic Plan (No Work)

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

1997 Drawings







Variance Application

Project Name  
**KEINATH**  
Residence

4224 Fremont Ave S  
Minneapolis, MN

Drawing Title

West  
Elevation

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

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A22

Copyright TEA Architects



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

1/4"=100'

PROJECT: 202301 - 202310  
 DRAWING: 202301 - 202310  
 DATE: 202301 - 202310  
 BY: TEA ARCHITECTS  
 CHECKED: TEA ARCHITECTS  
 PROJECT: 202301 - 202310  
 DRAWING: 202301 - 202310  
 DATE: 202301 - 202310  
 BY: TEA ARCHITECTS  
 CHECKED: TEA ARCHITECTS



