



CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
 BOA Agenda Item #5
 October 15, 2015
 BZZ-7405

LAND USE APPLICATION SUMMARY

Property Location: 2530 Fillmore Street Northeast
Project Name: 2530 Fillmore Street Northeast Second Floor Addition
Prepared By: [Janelle Widmeier](#), Senior City Planner, (612) 673-3156
Applicant: Dain Meyer and Robyn Tabibi
Project Contact: Brian Nelson, BN Builders, Inc.
Request: A second floor addition to a single-family dwelling.
Required Applications:

Variance	To reduce the established front yard requirement adjacent to Fillmore Street Northeast to 27.3 feet to allow a second story addition.
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SITE DATA

Existing Zoning	R2B Two-Family District
Lot Area	7,533 square feet
Ward(s)	I
Neighborhood(s)	Audubon Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable.
Small Area Plan(s)	Not applicable.

Date Application Deemed Complete	September 15, 2015	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	November 14, 2015	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The existing single-family dwelling was permitted for construction in 1906.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties are predominately single-family dwellings.

PROJECT DESCRIPTION. The applicant is proposing a second floor addition to the dwelling located at the property of 2530 Fillmore Street Northeast. The minimum front yard requirement along Fillmore Street is created by the established setback of the adjacent properties to the north and south by a line joining those parts of both buildings nearest to the front lot line, which are 26.2 feet and 35.6 feet respectively. The proposed addition would be set back 27.3 feet from the front lot line, which requires a variance because it extends beyond the established setback. An open, 6 foot deep front porch is also proposed. Open porches are permitted obstructions on single-family dwellings in required front yards, provided they do not extend more than 8 feet from the building and the finish of the porch matches the finish of the dwelling or the trim on the dwelling.

The aforementioned setback information was taken from a survey completed by a licensed land surveyor. After the public hearing notices were sent out, CPED staff conducted a site visit. It appears that the porch for the neighbor's house to the south is not shown on the survey and that this porch is partially enclosed in screens. Even if the porch is only partially enclosed, the front of the porch would be used to determine the established front yard requirement for the subject property because the porch would not be a permitted obstruction. If the porch is aligned with or closer to the street than the structure on the subject property, a variance would not be needed. To be able to verify that a front yard variance is or is not needed, an updated survey showing the neighbor's porch would need to be submitted. At the time this report was written, the applicant had been made aware of the potential issue. If more information becomes available, staff will provide an update at the public hearing. For the purposes of this report, the responses to the findings below assume that the information provided on the survey is correct.

PUBLIC COMMENTS. As of the writing of this report, staff has not received any correspondence from the neighborhood group. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the established front yard requirement adjacent to Fillmore Street Northeast to 27.3 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.*

The existing 1 ½ story dwelling is setback 27.3 feet from the front lot line. The applicant is proposing to align the second floor addition with the setback of the first floor. To comply with the established setback requirement, a second floor would need to be setback approximately 2 to 5 feet from the existing first floor front façade. Although the setback of the first floor was not a circumstance created by the applicant, CPED staff is concerned that the proposal would affect the character of the area because the second floor addition would extend forward further than all but one of the houses on the same block face. Also, compliance with the established front yard setback does not appear to significantly limit the applicant's options for reasonable use of their property. The subject site is larger and deeper than a typical single-family lot in the R2B district. The existing dwelling and garage footprints cover only 22.5 percent of the site. There is room to expand to the rear and south side of the existing dwelling.

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 with a setback of 27.3 feet from the front lot line. The adjacent properties to the north and south are set back 26.2 feet and 35.6 feet respectively from the front lot line. The proposed addition would align with the front wall on the first floor of the subject dwelling. CPED staff is concerned that the proposal would affect the character of the area because the second floor addition would extend forward further than all but one of the houses on the same block face. Although there appears to be other options for locating the addition, the proposed location would have minimal impacts on the adjacent properties access to light and air and would have sufficient separation. The second floor addition would be located 20.5 feet from the dwelling to the north and 18.5 feet from the dwelling to the south.

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.*

Granting the variance would affect the character of the area. The predominant character for this block face is 1 ½ story to 2 story dwellings set back fairly consistently from the street with a one-story enclosed or open porch extending from the front of the house. Essentially, there are two setbacks: one at the front of the porch and the other for the second level. The subject property repeats that pattern with a dormer that is recessed from the first floor front wall. Although enclosed, habitable space now, a one-story porch probably existed on subject dwelling. The basement does not extend under the front 8 feet of the dwelling and the original building permit was for a 26 wide by 30 foot deep dwelling. As proposed, the applicant would align the second floor with the front of the first floor. The setback of the first floor appears to align with setback of most of the porches on the same block face. Construction of the proposal would fill in the open space characteristic at the second level. This change is expected to have the feel of a significant change. The 2514 Fillmore Street residence is one such property that sits closer to the street and stands out noticeably.

Although there appears to be other options for locating the addition, the proposed location would have minimal impacts on the adjacent properties access to light and air and would have sufficient separation. The second floor addition would be located 20.5 feet from the dwelling to the north and 18.5 feet from the dwelling to the south.

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 addition is constructed to current building codes.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Dain Meyer and Robyn Tabibi for the property located at 2530 Fillmore Street Northeast:

A. Variance to reduce the minimum front yard requirement.

Recommended motion: **Deny** the variance to reduce the established front yard requirement adjacent to Fillmore Street Northeast to 27.3 feet to allow a second story addition.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site survey
4. Site plan
5. Floor plans
6. Building elevations
7. Photos of the subject property
8. Photos of the west side of the 25xx block of Fillmore Street, south to north
9. Photos of the east side of the 25xx block of Fillmore Street, north to south
10. Public comments

----- Forwarded message -----

From: **Robyn S Tabibi** <rstabibi@gmail.com>

Date: Sun, Aug 30, 2015 at 4:40 PM

Subject: 2530 fillmore project

To: Dain Meyer <4dainmeyer@gmail.com>

Hello, we are the homeowners at 2530 fillmore st ne, minneapolis
We have lived here for nearly 10 years, and in that time our family has grown substantially. We love our neighborhood, and our neighbors, and wish to remain in this location, and at the same time, increase the size of the house to meet the need of our growing family. We are also looking to maintain the character of our beautiful 110 year old home, while bringing the electrical and plumbing systems up to date.

We have been looking around at the other homes on our block, and ours is one of the only homes on our block that is not a full 2 story home, and we are looking to expand our current upstairs to the full footprint of our existing lower level, while keeping the original character of our home to honor our neighborhoods history.

We currently have cement steps, and every winter, we worry for the safety of our family and friends, and our mail carrier as these steps freeze over and are difficult to keep clear. We wish to replace these steps with a very modest covered porch, where we can sit and interact with our neighbors, and also help to keep clear of snow and ice in order to maintain safety for everyone who comes to visit us. We understand that our current steps are likely in violation of current code, but we do wish to replace them with something that will both create safety, as well as create a curb appeal, and allow us to interact more with our neighbors.

One of the most beautiful features of our home is the original staircase that greets you when you enter. We wish to preserve as much of this as we can, while realizing that the portion of this above our current landing needs to be brought up to code when the second floor is redone . We hope that we will be able to leave the bottom portion of this stair in its current state, as it is one of the most prominent original woodwork features of our home.

We wish to create a beautiful, more functional home, with little to no inconvenience to our neighbors, in order to create a home where we can live and raise our family for many years to come.



To whom this may concern,

We BN Builders, Inc. have a construction contract with the property owner to remodel the existing structure. The footprint of the house will remain the same. The landscaping, grade, pervious & impervious will all remain the same as existing. The practical difficulty we have is the existing front entry porch is approx. 3' (27'3" from sidewalk) over the "new" (30') setback. We are asking for a variance to build the 2nd floor out to the same size as the existing 1st floor front porch. Also just an FYI on the back of house the new 2nd floor will be going over a 1st floor ¾ bathroom.

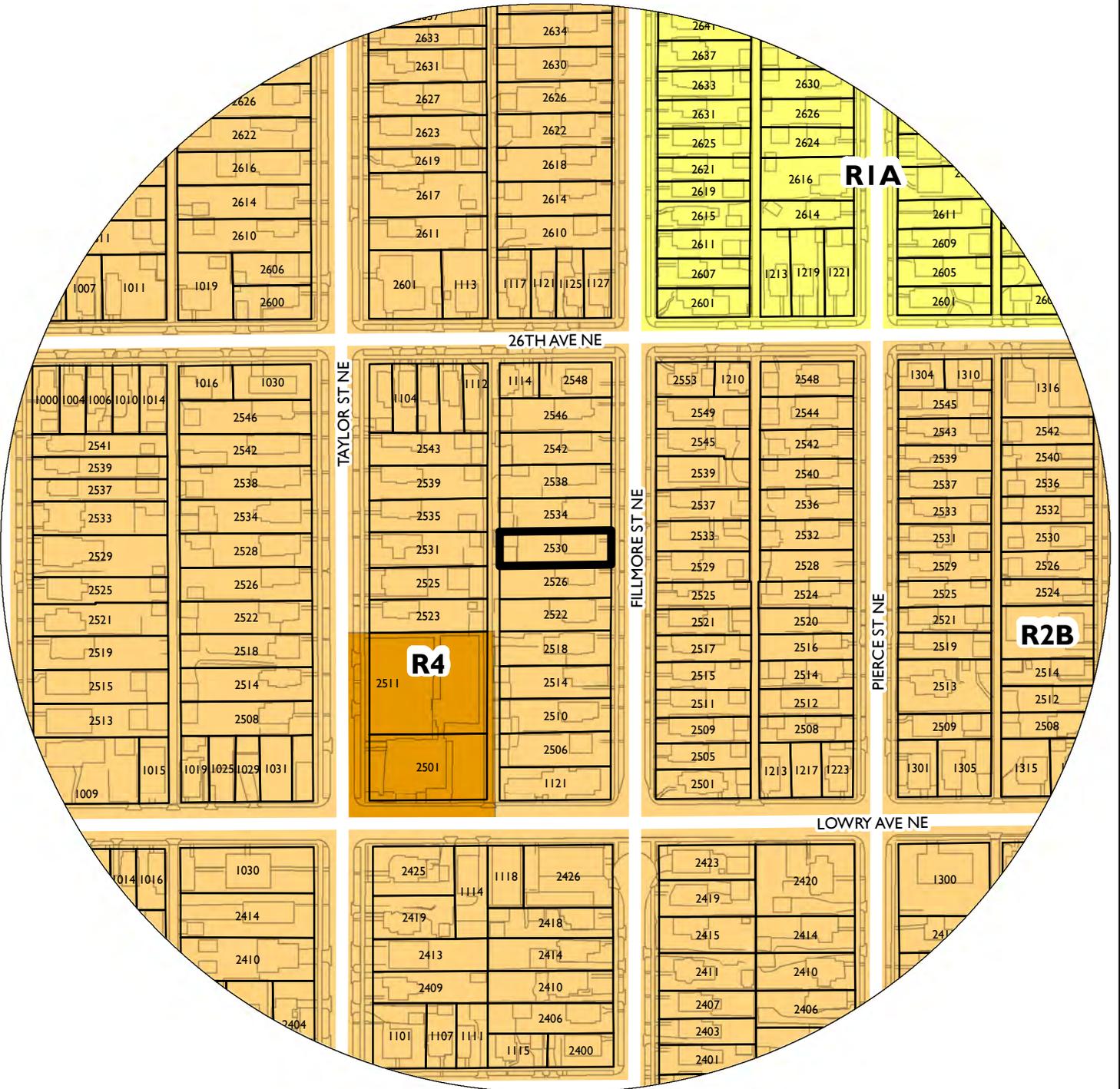
We are also taking the necessary precautions on the north side of new 2nd floor & constructing 1hr. fire wall since it is less than 5' to property line. Most all of the houses on the block are a full 2 story. This is currently more like a 1 ½ story home. The new proposed front elevation will blend in nicely with the neighboring properties. Also some of the neighboring properties stick out quite a bit farther than this porch does/ will.

To the best of our knowledge there are no utilities in the front vicinity. Power does come in on the back corner which we will be taking precautionary measures by temporarily removing & resetting once framing is completed. Feel free to call if you have any questions.

Thank You for your consideration,
Brian Nelson
Owner BN Builders, Inc.
Office # 651-423-7248
Fax# 651-423-7249
Cel # 612-644-8274
bbnbuildersinc@frontier.com

NAME OF APPLICANT

WARD



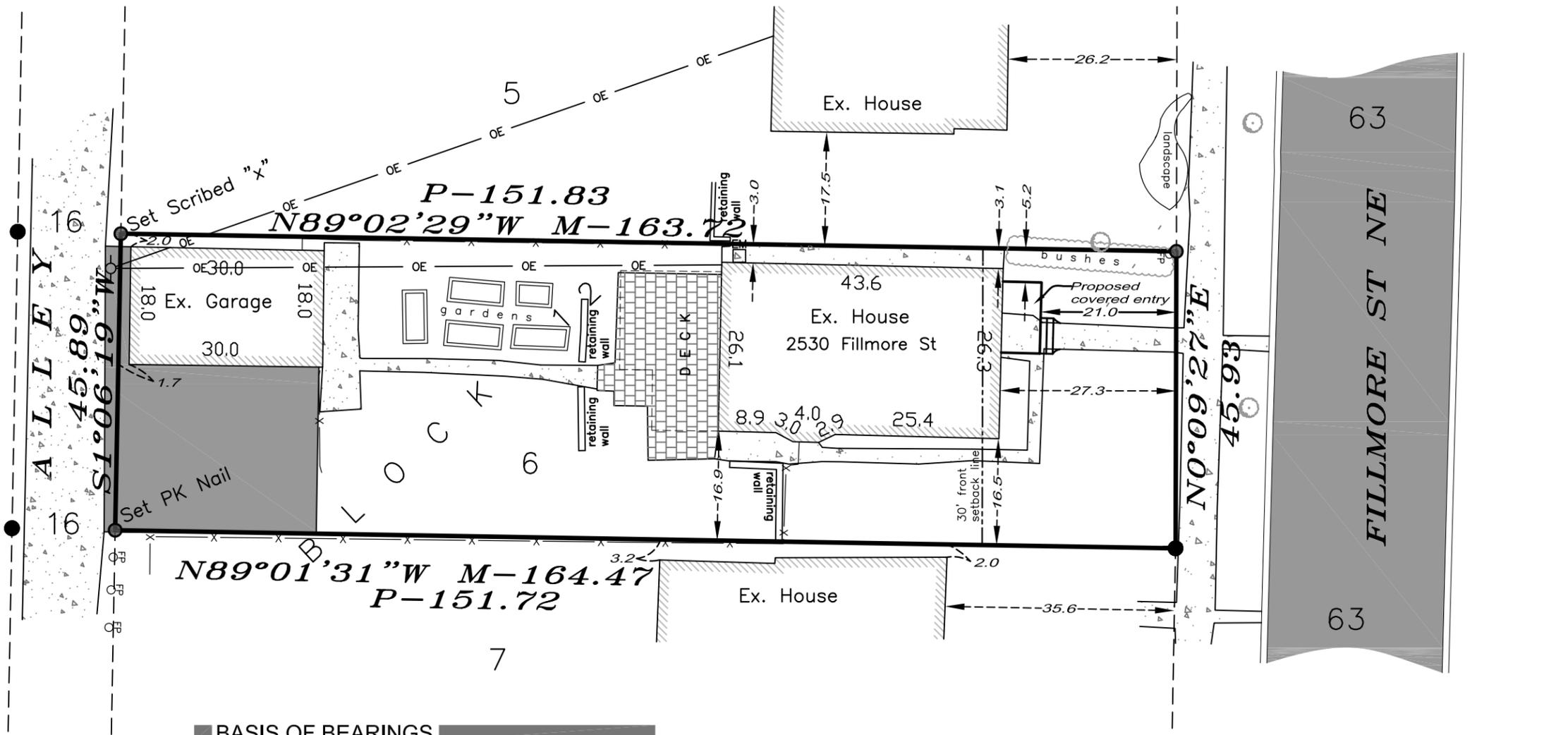
PROPERTY ADDRESS

2530 Fillmore Street Northeast

FILE NUMBER

BZZ-7405

PROPOSED ADDITION for BN Builders Inc. site 2530 Fillmore St. NE, Minneapolis, MN



■ BASIS OF BEARINGS

For the purposes of this survey the East line of Block 12 of MENAGES SUPPLEMENT TO EAST SIDE ADDITION TO MINNEAPOLIS, is assumed to bear N0°09'27"E

■ SURVEYOR NOTES

1. The field work was done on 4/30/15
2. The address of the property is 2530 Fillmore St NE, Minneapolis, MN
3. The legal description of the property is Lot 6, Block 12 of MENAGE'S SUPPLEMENT TO EAST SIDE ADDITION TO MINNEAPOLIS, Hennepin County, MN.
4. The purpose of the survey is to request a variance for the proposed addition.

■ Legend

- = IRON MONUMENT FOUND
- = IRON MONUMENT SET
- = TREE
- EM = ELECTRIC METER
- = ELECTRIC POWER POLE
- P-100.00 = PLAT MEASUREMENT
- F-100.00 = FIELD MEASUREMENT
- X = FENCE
- OE = OVERHEAD ELECTRIC
- [Hatched Box] = BITUMINOUS SURFACE
- [Dotted Box] = CONCRETE SURFACE
- [Brick Pattern Box] = BRICK PAVERS

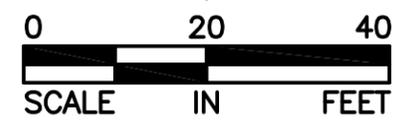
■ IMPERVIOUS SURFACE TABLE

	Existing (Sq. Ft.)	Proposed (Sq. Ft.)	Impervious Percentage Existing	Impervious Percentage Proposed
House	1152	1218	15.29%	16.17%
Garage	540	540	7.17%	7.17%
Bituminous Driveway	830	830	11.02%	11.02%
Sidewalk	595	553	7.90%	7.34%
Brick Pavers	432	432	5.73%	5.73%
Retaining Wall	60	60	0.80%	0.80%
Total	3609	3633	47.91%	48.23%
Property Area	7533	7533		

I hereby certify that this survey, plan 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.

[Signature]

DATE 9-2-15 LIC. NO. 17765



Prepared By:



Waterfront Corporate Park III, Suite 101 Phone: 724-444-1100
 2000 Georgetowne Drive Fax: 724-444-1104
 Sewickley, PA 15143 E-mail: info@pvesheffler.com

43'6"

6'0"

PIPE BASKET / RADON

50364L

FUTURE
BEDROOM

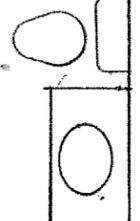
UP

30x48
SHA

SUMP

WATER METER

FAN



24

CHIMNEY

GAS METER

WASHER
DRYER

BOILER

W/H

BOUT RIM TO HOUSE.
5" FASTENERS MASTER
LEDGER LOCKS
2" EMBED 16"
TREATED
2x10 @ 16" o.c.
2-2x10 5'

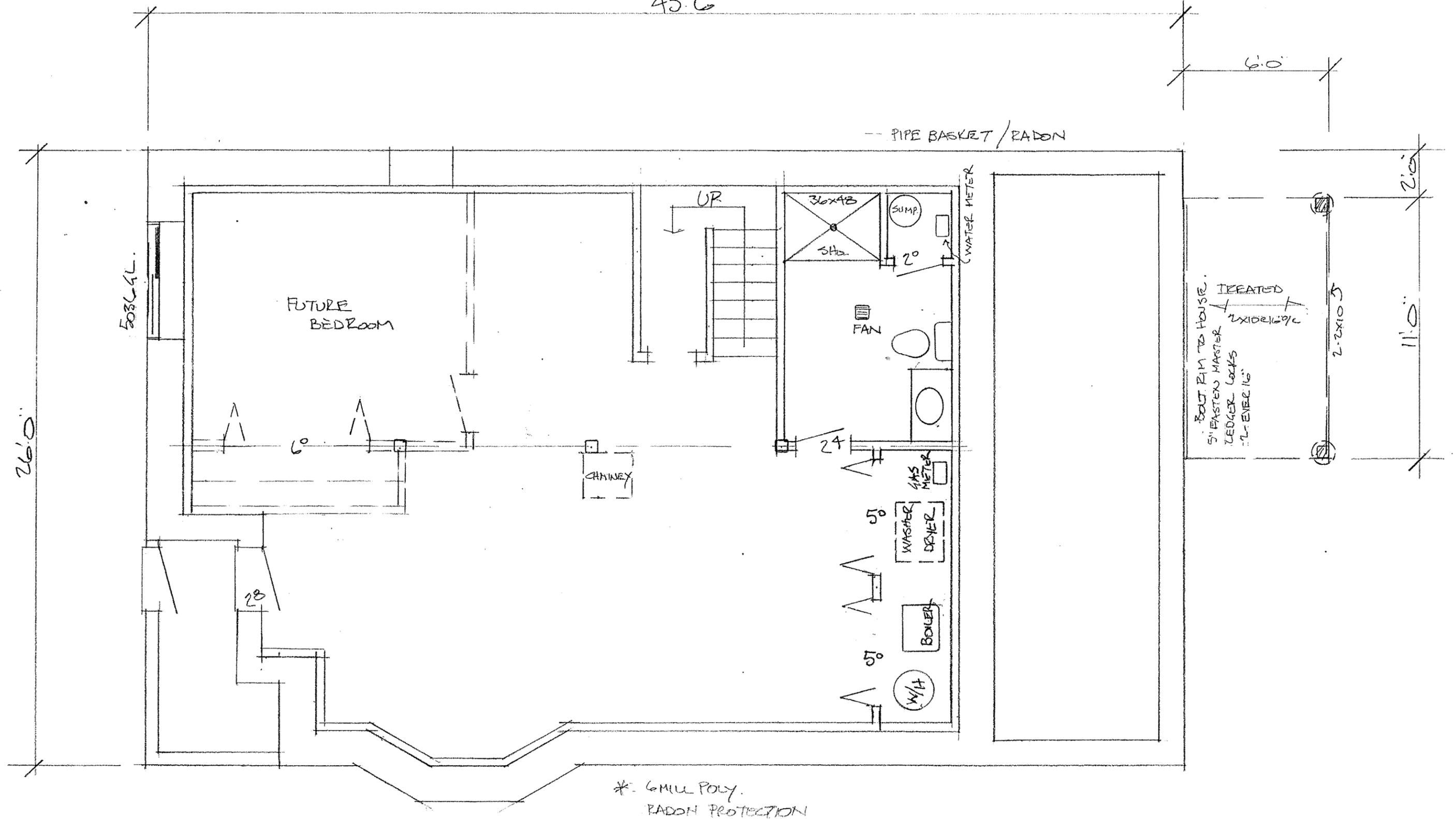
11'0"

2'0"

26'0"

28

* 6MIL POLY.
RADON PROTECTION



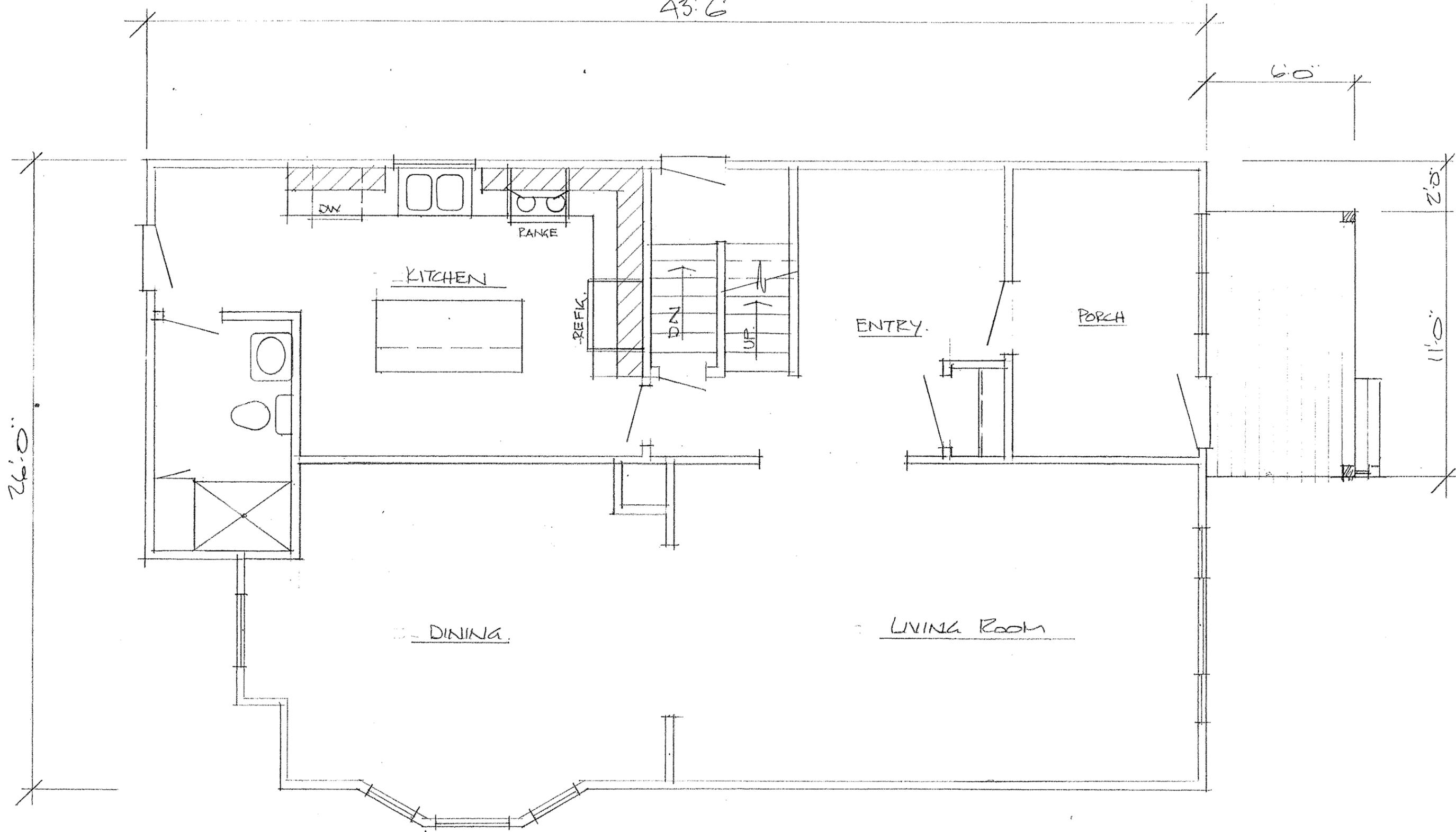
43'6"

6'0"

0'2"

0'11"

26'0"



DW

RANGE

KITCHEN

REFK.

DN

UP

ENTRY

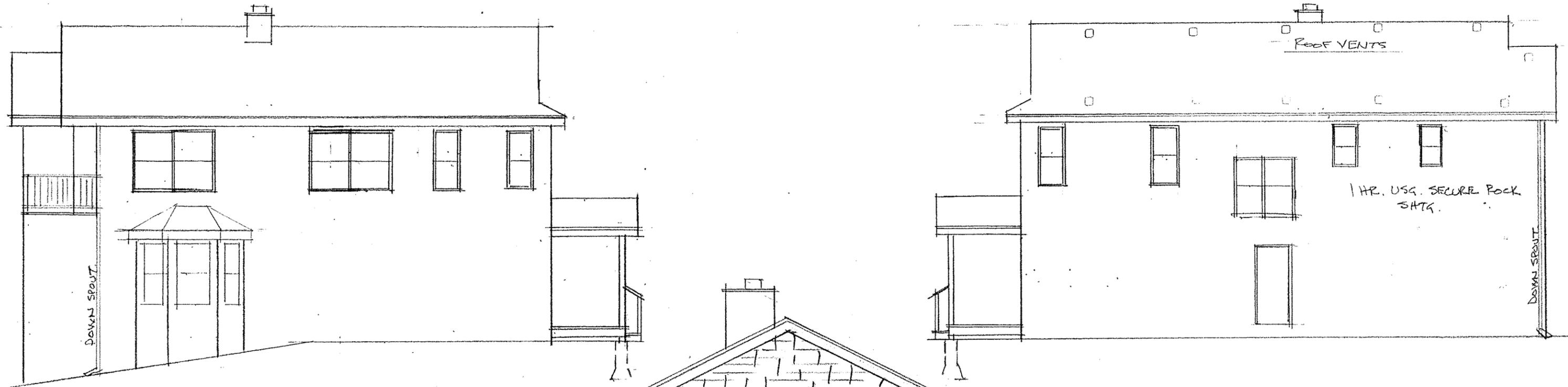
PORCH

DINING

LIVING ROOM

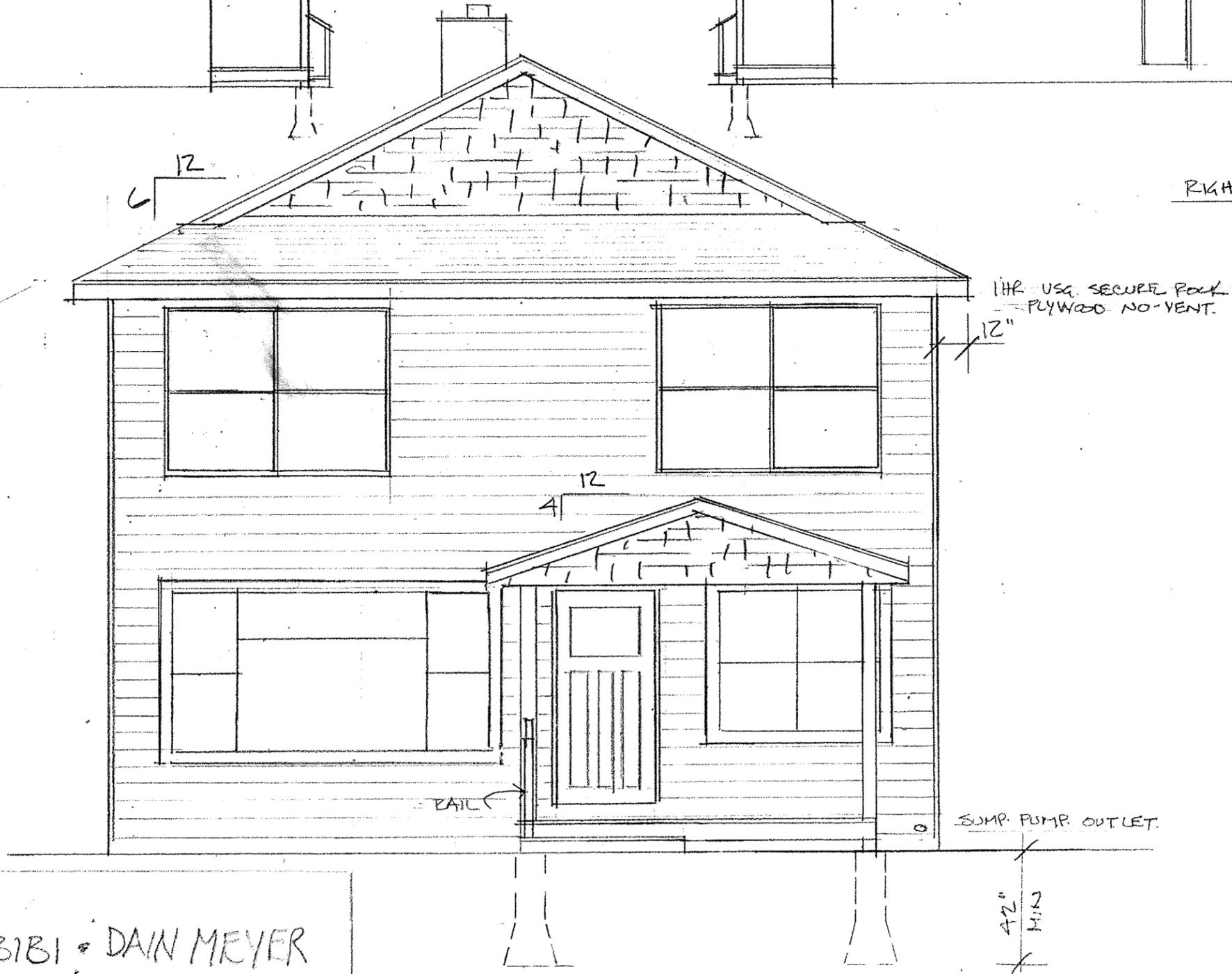
FIRST FLOOR

1/4" = 1'0"



LEFT SIDE

RIGHT SIDE



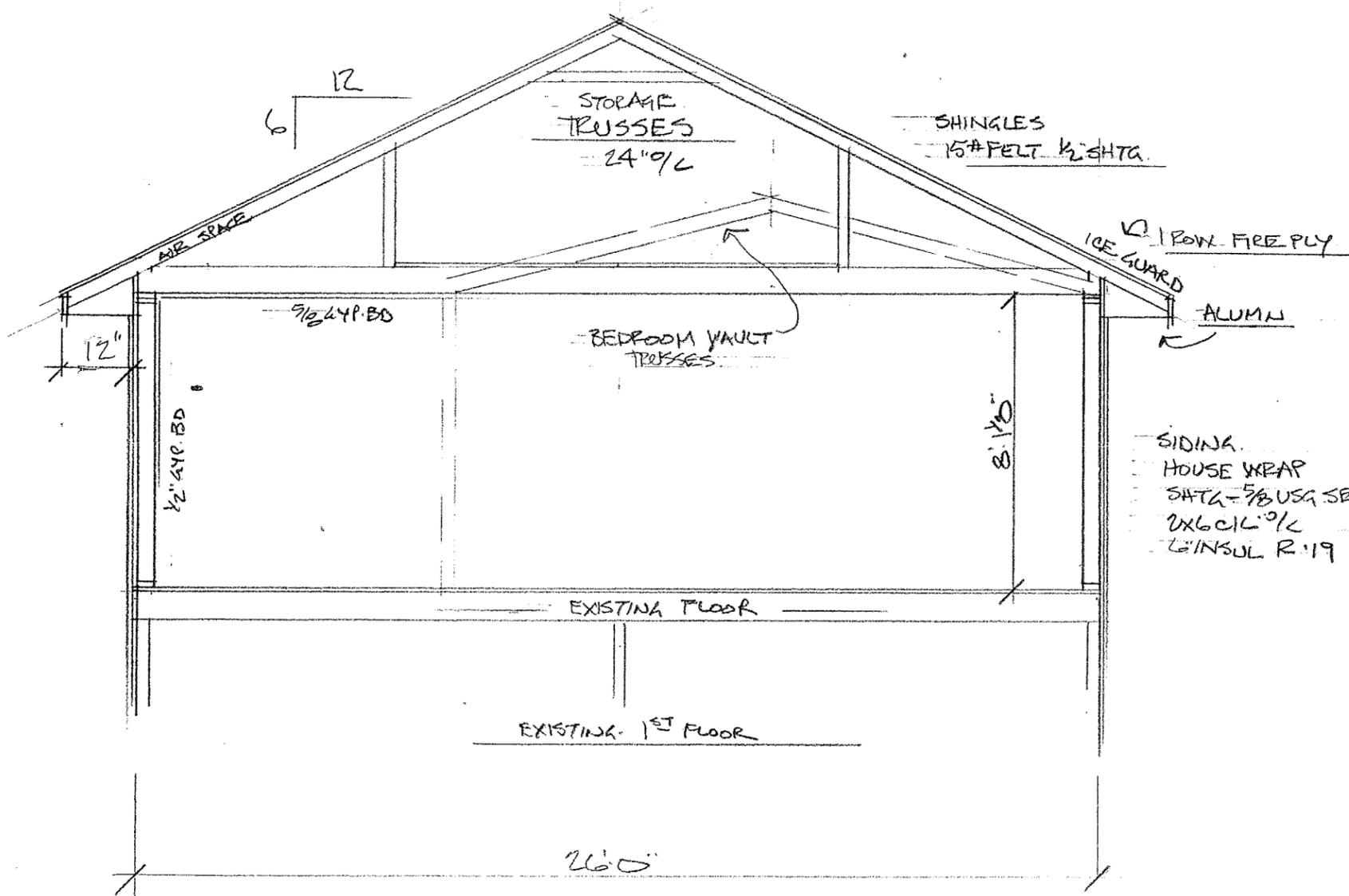
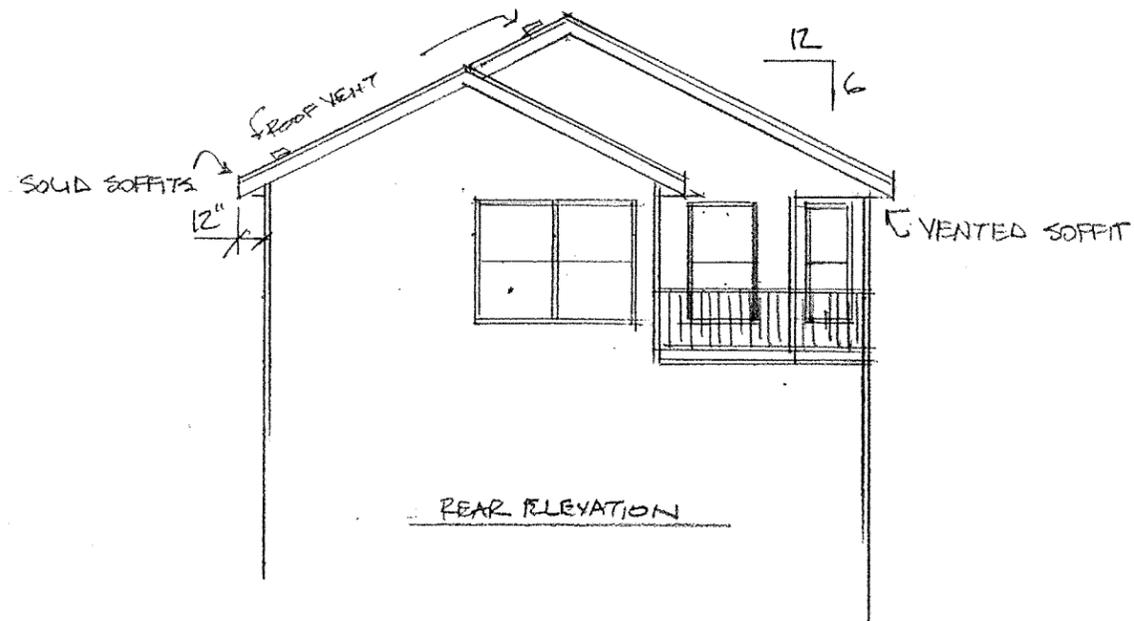
1 HR. USG. SECURE ROCK
PLYWOOD NO-VENT.

SUMP PUMP OUTLET

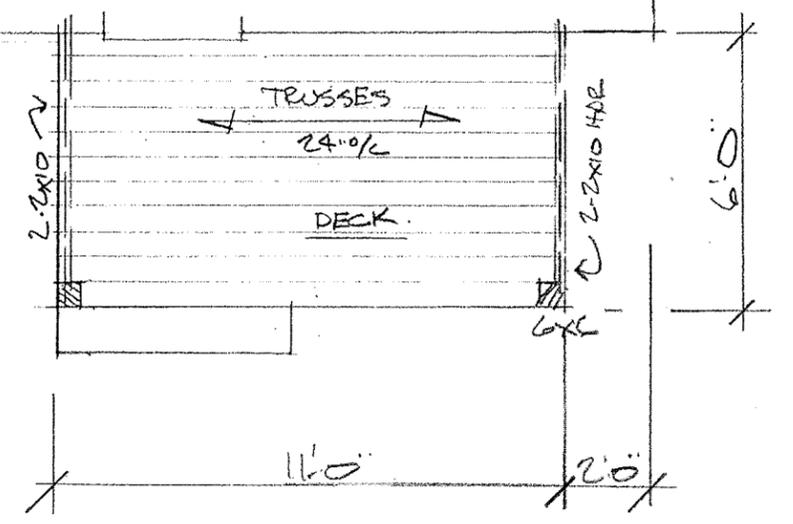
42" MIN

ADDITION PLAN FOR

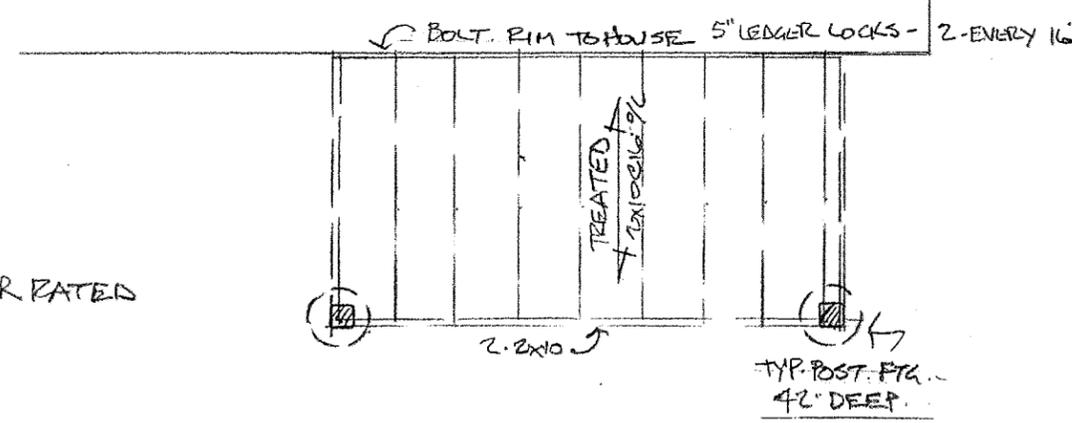
B.N. BLDGS. / ROBYN TABIBI & DAIN MEYER
RFS.



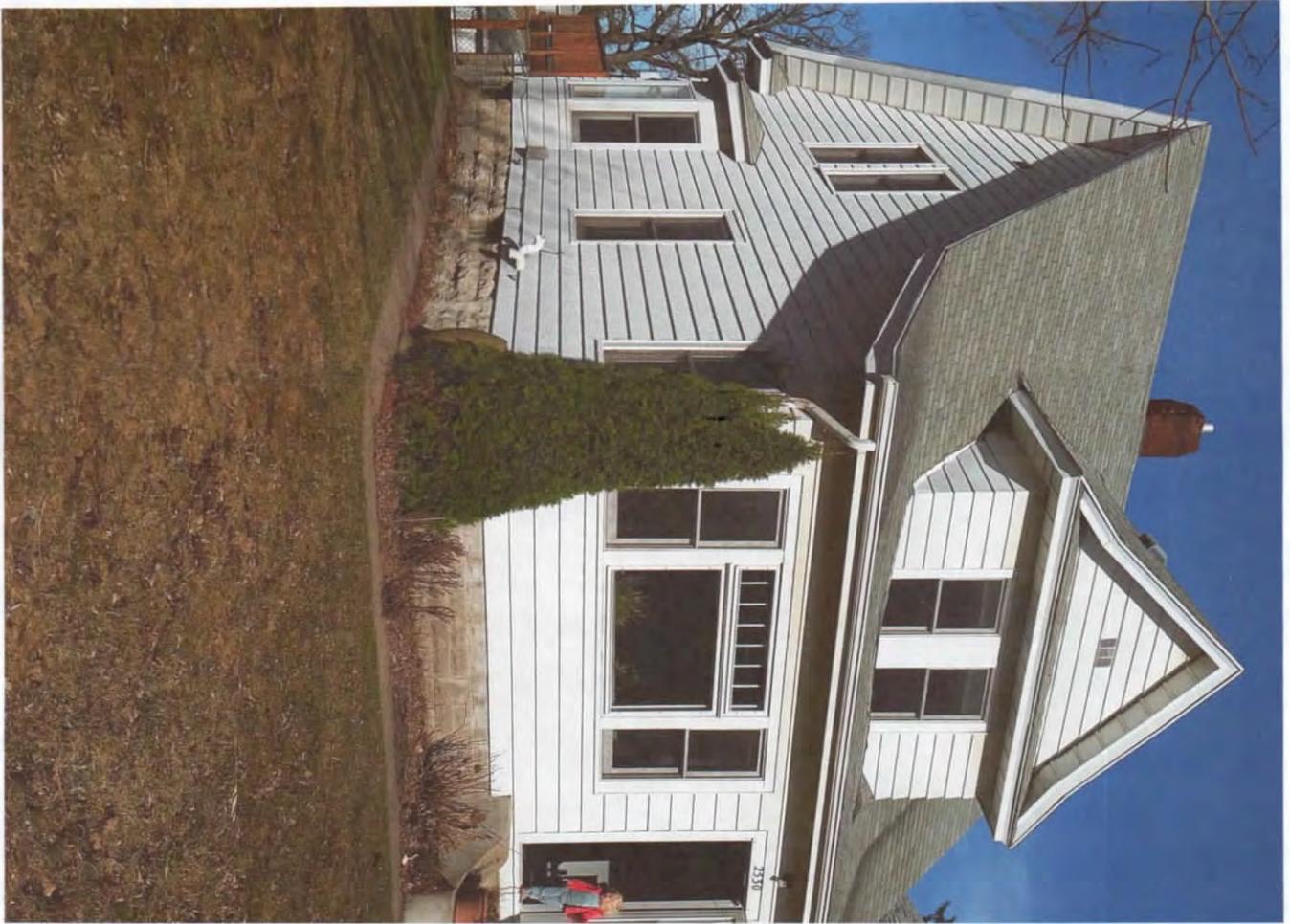
CROSS SECTION
 1/4" = 1'-0"



FRONT DECK
 1/4" = 1'-0"



- SIDING
- HOUSE WRAP
- SHTG - 5/8 USG SECURE ROCK 1HR RATED
- 2x6 CIL O/C
- G' INSUL R-19



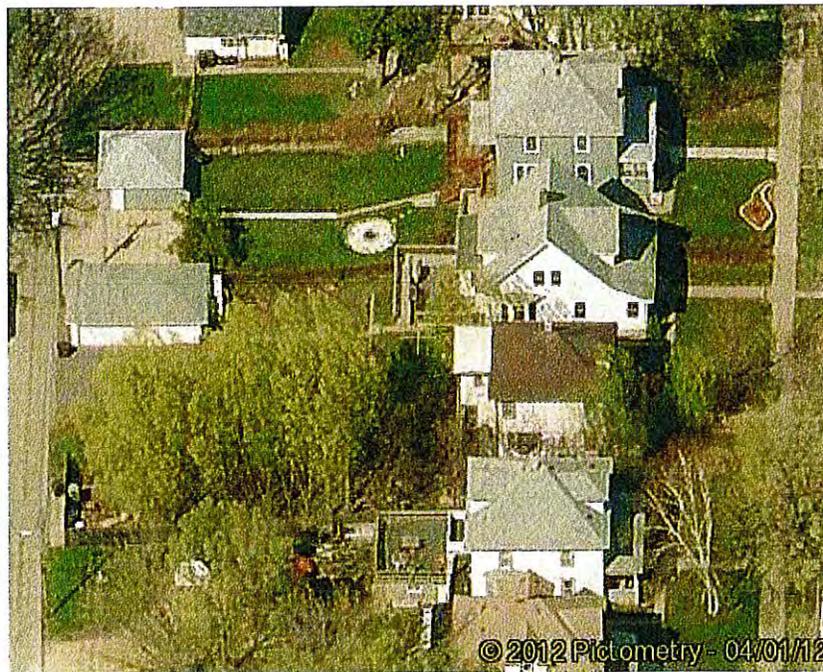




North Side



South Side



Report: 10618943

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2514



2510

2506

2514

2518

2522



2522

2526

2530



2526

2530





2526





OR ARE
THEY APPEAR



2538

2542

2534

2542

2546

2548



2545-2553



2529-2539



2517-2525



2505-2515





September 7, 2015

To whom it may concern:

We are neighbors of Robyn Tabibi and Dain Meyer and we write in support of their proposal to renovate their house. Robyn and Dain are good neighbors; we hope that supporting their renovations will help ensure that they stay in our neighborhood.

When we moved to Audubon Park in 1998, the neighborhood near our house was a mixed bag. A few neighbors seemed nice enough but were rarely seen. Those we did see tended to be belligerent, loud, and crass. (We were harassed and sworn at on the day we moved in.) Crime was not uncommon; calls from our house to 911 about dangerous neighborhood activity were frequent during the first few years. We had purchased our house as a short-term investment; we only planned to stay for a few years until we finished graduate school at the University of Minnesota.

In the last decade, our neighborhood has drastically improved, due in no small part to several responsible neighbors that moved onto our block. In many cases, new neighbors meant new attention to care for houses that were in need of it. In the early 2000s, when we rebuilt our porches, replaced windows, paved our walks, and painted our house, most people walking by assumed we were doing so to sell the house. But we were doing it for the opposite reason – we had grown attached to our improving neighborhood and wanted to remain here for the long term.

We are excited to hear that Robyn and Dain are willing to similarly invest in their home. We understand that their plans include renovations to improve the safety and livability of their house—updated plumbing/electrical, safer front steps—and a full second story to accommodate their growing family.

We now have two young children, and we feel fortunate that others have chosen to live here and raise their own families on our block. We hope that you will grant Robyn and Dain the appropriate variances so that they can continue to enjoy living in our neighborhood, too, for many years to come.

Sincerely,

Daisy P. Cross and Nathan A. Lockwood
Neighbors at 2546 Fillmore St. NE

Subject: Fwd: 2530 fillmore project

From: Robyn Tabibi (rstabibi@gmail.com)

To: bbnbuildersinc@frontier.com;

Date: Tuesday, September 8, 2015 9:34 AM

Sent from my iPhone

Begin forwarded message:

From: Julie Bodurtha <jgrazier@gmail.com>
Date: September 7, 2015 at 10:46:20 PM CDT
To: Robyn Tabibi <rstabibi@gmail.com>, Dain Meyer <4dainmeyer@gmail.com>
Subject: Re: 2530 fillmore project

Robyn and Dain,

Sorry it took so long to get our letter together. Take a look at our proposed letter below and let me know if you have anything you'd like me to add, omit or revise.

I can send it directly to your builder, or if you have a contact at the City, I'm happy to direct it to that individual as well.

Let me know your preferences.

With love,

The Bodurtha fam

September 7, 2015

Minneapolis Development Review
Public Service Center Building
250 S. 4th St., Room 300
Minneapolis, MN 55415

Dear Sir or Madam:

We are writing to express our support for the proposed renovation project put forward by our neighbors Drs. Dain Meyer and Robyn Tabibi at 2534 Fillmore St NE, Minneapolis. Our property, 2531 Taylor St NE, Minneapolis, borders their property in the back across our shared alley space.

Robyn and Dain are integral members of the neighborhood community and regularly welcome neighbors and friends into their warm and inviting home. As they consider options for their home and family, we wish to do all we can to support their desire to expand and enhance their home to meet the long-term needs of their family.

We lend our full support to the plans that Robyn and Dain have put forward to renovate their home. We know they seek to balance the character and unique features of their home with modest enhancements that can improve safety and meet their family's needs.

Thank you for this opportunity to extend our support for the proposed plans of Robyn Tabibi and Dain Meyer. Please feel free to contact us with any questions related to this letter of support.

Sincerely,

Peter and Julie Bodurtha

2531 Taylor St NE

Minneapolis, MN 55418

612-590-2930

On Thu, Sep 3, 2015 at 8:12 PM, Robyn Tabibi <rstabibi@gmail.com> wrote:

Sent from my iPhone