



Request for City Council Committee Action from the Department of Community Planning & Economic Development - Planning Division

Date: November 6, 2014

To: Council Member Lisa Bender, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject: Appeal of one condition of approval applied by the Heritage Preservation Commission in their September 23, 2014, action to approve a Certificate of Appropriateness to replace a non-historic side porch with a new larger enclosed side porch with deck above. The property is located within the Milwaukee Avenue Historic District.

Recommendation: The following action was taken by the Heritage Preservation Commission on September 23, 2014 (BZH-28347):

2. 2300 Milwaukee Avenue (BZH # 28347, Ward 6) (Lisa Steiner)

Charles Levin and Lynn Brofman have applied for a Certificate of Appropriateness to replace a non-historic side porch with a new larger enclosed side porch with deck above. The property is located at 2300 Milwaukee Avenue and is within the Milwaukee Avenue Historic District.

Action: The Heritage Preservation Commission adopted staff findings and **approved** the Certificate of Appropriateness to allow the replacement of a non-historic enclosed side porch with a new enclosed side porch with deck above on the property located at 2300 Milwaukee Avenue, subject to the following conditions:

1. The proposed addition shall be set back a minimum of five (5) feet from the south interior side property line.
2. By ordinance, approvals are valid for a period of two years from the date of the decision unless required permits are obtained and the action approved is substantially begun and proceeds in a continuous basis toward completion. Upon written request and for good cause, the planning director may grant up to a one year extension if the request is made in writing no later than September 23, 2016.

3. By ordinance, all approvals granted in this Certificate of Appropriateness shall remain in effect as long as all of the conditions and guarantees of such approvals are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this Certificate of Appropriateness and may result in termination of the approval.

Absent: Bengtson, Hartnett, R. Mack, Stade

Aye: Faucher, Haecker, Hunter Weir, Lackovic, L. Mack

Nay: Vork

Motion passed

Prepared by: Lisa Steiner, City Planner, (612) 673-3950 Approved by: Jason Wittenberg, Planning Manager, (612) 673-2297 Presenters in Committee: Lisa Steiner, City Planner, (612) 673-3950

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The neighborhood group, Seward, and property owners within 350 feet of 2300 Milwaukee Avenue were notified of the Zoning and Planning Committee meeting.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60-120-day decision period: On October 6, 2014, the City extended the decision period to no later than December 26, 2014.

Background/Supporting Information

Charles Levin and Lynn Brofman have appealed one condition of approval applied by the Heritage Preservation Commission in their September 23, 2014 approval of a Certificate of Appropriateness for the property at 2300 Milwaukee Avenue. The Certificate of Appropriateness was to replace a non-historic side porch with a larger side porch with deck above. The condition appealed requires the new side porch to be set back at least 5 feet from the south interior side property line.

At its meeting on September 23, 2014, the Heritage Preservation Commission voted 5-1 to approve the Certificate of Appropriateness subject to 3 conditions, upholding staff recommendation. The appeal (attached) was filed on October 3, 2014.