

Melisa Pollak
2012 Cedar Lake Parkway
Minneapolis, MN 55416

October 24, 2015

Andrew Liska
City Planner – Zoning Administration
City of Minneapolis – Community Planning and Economic Development
250 S. 4th St. Room 300
Minneapolis MN 55414

Andrew,

Here is our application to appeal the Zoning Board of Adjustment's decision on our fence height variance (BZZ-7457). Please let me know if you have questions, or need any additional information.

Thank you,

Melisa Pollak

612-242-5934
Melisa.pollak@gmail.com

APPLICATION WORKSHEET

Appellant	Name	Melisa Pollak
	Mailing Address Including City, State and Zip Code	2012 Cedar Lake Parkway
	Phone Number	612-242-5934
	Fax	
	Email	melisa.pollak@gmail.com

NOTICE OF APPEAL

Choose one:

I, _____ (print name) do hereby file an exception to the Decision of the **Zoning Administrator** as provided for in Chapter 525.170;

I, Melisa Pollak do hereby file an exception to the Decision of the **Board of Adjustment** as provided for in Chapter 525.180;

I, _____ (print name) do hereby file an exception to the Decision of the **City Planning Commission** as provided for in Chapter 525.180;

Project Name	Vary the fence height in the established front-yard setback along Cedar Lake Parkway
Project Address	2012 Cedar Lake Parkway
BZZ Number	BZZ-7457

Further, I do hereby request that I be given an opportunity to express my case before the Board of Adjustment or the proper committee of the City Council.

The action being appealed and the reasons for appealing the decision are attached and made a part of this notice of appeal.

Appellant's Name: Melisa Pollak

Appellant's Signature: Mel Pollak

Date: 11-24-15

2012 Cedar Lake Parkway

Appeal of Decision of the Board of Adjustment

Existing 6-foot-tall fence in front yard

Reasons for Appeal

I am appealing the Board of Adjustment's 11/19/15 decision to deny our request to vary the fence height in the established front yard setback along Cedar Lake Parkway (BZZ-7457). In my opinion, our practical difficulties in complying with the ordinance deserve further consideration, as do several staff findings.

1. Practical difficulties complying with the ordinance

We now understand that city code designates the yard on the lake-side of our house as our "front yard," but in all practical respects that yard is our back yard. The fence ordinance recognizes that privacy is an appropriate backyard amenity, allowing 6-foot tall privacy fences in back yards. The peculiar situation of our lot presents a practical difficulty in complying with the fence height ordinance: if we comply, we are denied the back-yard privacy that is allowed by the ordinance. We ask that you grant a variance, essentially applying back-yard-rules, which allow 6-foot tall fences. There is logic behind this interpretation. While addresses of all the neighbors on our block read "Cedar Lake Parkway", we can't see the parkway from our windows or reach our homes from the parkway – instead we enter through an alley off Drew Ave S. Our yards facing the alley serve front-yard functions, such as mail delivery and the main entrances to our homes. Photo 1 shows our "front door," off the alley. Our yards facing the lake serve back yard functions, such as patios and grills. Photo 2 shows our "back yard," facing the lake. So while city code may consider the yard facing the parkway and the lake to be our "front" yard, functionally it performs as our back yard, and as such, a 6-foot privacy fence is appropriate and in keeping with the spirit of the ordinance.

The size of the new home built after the tear-down at 2016 Cedar Lake Parkway exacerbates the need for privacy in our "back yard". The new construction, which apparently reaches the maximum allowable height and sits the minimum distance from our property line, looms over and intrudes on our home and yard. Zoning variances granted to the new owners of 2016 Cedar Lake Property, which reduced the established front yard setback by 5 feet, and increased the maximum floor area ratio for the construction of a new home, heighten our need for privacy. Our situation as a whole, which includes the scale of the new construction and the quirk of our property layout, renders application of the fence height ordinance, as written, illogical and impractical.

2. Response to Staff Findings

2.1 Effect of fence on views from 2016 Cedar Lake Parkway

Views of the Minneapolis skyline and Cedar Lake are not obstructed from any part house or yard where the new residents of 2016 Cedar Lake Parkway property will spend time, such as their windows or their deck. Contrary to the CDEP Staff Report (page 3, item #2) conclusion that our fence "...blocks views [from 2016 Cedar Lake Parkway] of the

2012 Cedar Lake Parkway

Appeal of Decision of the Board of Adjustment

Existing 6-foot-tall fence in front yard

Minneapolis skyline and Cedar Lake,” actually their view of the lake and the city skyline is framed by large trees, not our fence (see Photo 3).. The fence obstructs only their view of our yard (in keeping with the spirit of a back-yard privacy fence).

2.2 Effect of the fence on the essential character of the neighborhood.

Our fence is a minor and attractive visual feature (see Photo 4). The widespread support for the fence from our neighbors supports the conclusion that the fence does not alter the essential character of the neighborhood. See the attached petition, and the letters of support from Arthur and Marion Bowron, of 2036 Cedar Lake Parkway and John Goetz, of 2028 Cedar Lake Parkway. Looking at the fence next to the new construction (Photo 4) it is difficult to conclude that it is the *fence* which disrupts “the fairly uniform built environment” (DEP Staff Report page 3, item #3).

3. Summary

Our lot is peculiar in that the functional back yard is, on paper, the official front yard. The letter of the code would prevent us from enjoying normal privacy in our back yard. Given that the 6-foot fence does not disrupt our neighbors’ views and that it fits in with the character of the neighborhood, we ask that the council acknowledge our practical difficulty in complying with the fence height ordinance as written and grant our variance request.

2012 Cedar Lake Parkway

Appeal of Decision of the Board of Adjustment
Existing 6-foot-tall fence in front yard



Photo 1 **2012 Cedar Lake Parkway “Front Door” off alley**

2012 Cedar Lake Parkway

Appeal of Decision of the Board of Adjustment
Existing 6-foot-tall fence in front yard



Photo 2 2012 Cedar Lake Pkwy “back door” and patio facing the lake

2012 Cedar Lake Parkway

Appeal of Decision of the Board of Adjustment

Existing 6-foot-tall fence in front yard



Photo 3 View of Cedar Lake and city skyline looking east from yard of 2016 Cedar Lake Pkwy

2012 Cedar Lake Parkway

Appeal of Decision of the Board of Adjustment

Existing 6-foot-tall fence in front yard



Photo 4

View of fence from Cedar Lake Parkway

I have no objection to the 6-foot tall fence on the property boundary between 2012 Cedar Lake Parkway (Pollak) and 2016 Cedar Lake Parkway. I understand that the fence is technically out of compliance with zoning rules, but agree that it is appropriate for the situation and should be allowed to remain.

Name	Signature	Date	Address
Madeline McAlister		10/3/15	2024 Cedar Lake Pkwy
Brenda Langston		10/3/15	2004 Cedar Lake Pkwy
Arthur Barron		10/4/15	2036 Cedar Lake Pkwy
Nancy Provan		10/4/15	2021 Drew Ave SE
John Carwody		10/4/15	2028 Cedar Lake Pkwy



ATTORNEYS AT LAW
A PROFESSIONAL ASSOCIATION

7/16/15

Melissa,

I own 2028 Cedar Lake Parkway. (my parents built it in 1952 and I grew up there.)

I discussed your fence issue with Maddie McAllister. I have no objection to your request for a variance.

Best wishes,

John Goetz

James R. Schwebel † * § ♦ #
John C. Goetz † §
William R. Sieben † § ♦ #
Richard L. Tousignant † * §
Peter W. Riley † * §
William A. Crandall † *
Paul E. Godlewski † * §

James S. Ballentine †
Cole J. Dixon ♦
Mark H. Gruesner † *
Max H. Hacker
Courtney A. Lawrence
Robert L. Lazear
Richard J. Nygaard § ♦
Robert J. Schmitz § †
Alicia N. Sieben
Larry E. Stern * ¶
James G. Weinmeyer § *

† American Board of Trial Advocates

* Certified by the National Board of Trial Advocacy as a Civil Trial Specialist

§ The Best Lawyers in America Woodward White, Inc.

♦ American College of Trial Lawyers

International Society of Barristers

‡ Also licensed in WI

¶ Also licensed in ND

◆ Also licensed in IA

From: [Liska, Andrew](#)
To: [Porter, Fatimat O.](#)
Subject: FW: Variance request from Melisa Pollak (2012 Cedar Lake Pky)
Date: Tuesday, November 10, 2015 10:36:44 AM

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

From: Win Bowron [<mailto:winbowron@gmail.com>]
Sent: Monday, November 09, 2015 9:20 PM
To: Liska, Andrew
Cc: winbowron@gmail.com
Subject: Variance request from Melisa Pollak (2012 Cedar Lake Pky)

Dear Mr. Liska,

Thank you for allowing my wife & I the opportunity to make our feelings known regarding our neighbor's request for a variance to extend the height and length of her fence at the property referenced above. We will be out of town on the day of the public hearing, and so please consider our written comments below in making your determination.

Ms. Pollak and her husband David have been our neighbors for many years and have never given us any reason to question their motives regarding their plans to manage their property. In fact, they have always maintained their dwelling and its environs in a manner consistent with the overall character of the neighborhood, and they have likewise made a consistent effort to be a part of the community and be kind and helpful to the rest of us on our block.

This year the house on the south side of the Pollack's residence was sold and the new owners chose to tear the existing modest one-story house down and build a mammoth home to replace it, despite the fact that it was just for the couple and their young son. This new structure, which the owners initially characterized as being only slightly larger than the original, is so over-sized and gargantuan in comparison that it barely fits on the lot and literally looms over the Pollak's property, virtually blocking their southern view entirely. If this had happened to us, I think that we would have given serious consideration to leaving the neighborhood. But the Pollak's obviously love their location next to Cedar Lake and chose to stay, despite all of the construction noise and turmoil next door. Under the circumstances, one could hardly blame them for extending the height & width of their existing fence (a very handsome fence it is, too - constructed with thin cedar boards and capped with a copper rain shield). I only wish that the fences that our own next-door neighbors have installed over the years looked half as good! Furthermore, given the extreme height of the new dwelling next to theirs', the Pollak's fence could hardly be considered to be a hindrance to the new neighbors' view of the lake or surrounding area, and so it seems odd to consider that they or anyone else would object to it. Honestly, if anything, the Pollak's fence is more like eye-candy than an eye-sore, and we neighbors should all be grateful that Melisa & David took such pains to make it look so attractive.

Once again, thank you kindly for allowing us to make our feelings known about this project, and I only wish that we could be there in person on the 19th to cheer Melisa on in her efforts.

Very Truly Yours,

Arthur ("Win") & Marion ("Mimi") Bowron
2036 Cedar Lake Parkway
Minneapolis, MN 55416

Sent from my iPad