

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-3705**

**Date:** August 10, 2007

**Applicant:** Eric Baldus, on behalf of Joel Conner

**Address of Property:** 2220 Cedar Lake Parkway

**Contact Person and Phone:** Eric Baldus (612) 227-0107

**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670

**Date Application Deemed Complete:** August 1, 2007

**Public Hearing:** August 23, 2007

**Appeal Period Expiration:** September 3, 2007

**End of 60 Day Decision Period:** September 29, 2007

**Ward: 7      Neighborhood Organization:** Bryn Mawr Neighborhood Association

**Existing Zoning:** R1 Single Family District and the SH Shoreland Overlay District

**Proposed Use:** A 24 foot deep by 32 foot wide patio and a 6 foot diameter fountain.

**Proposed Variance:** A variance to reduce the established front yard setback to 3 feet to allow for a patio and fountain in front of a single family dwelling located at 2220 Cedar Lake Parkway in the R1 Single Family District and the SH Shoreland Overlay District.

**Zoning code section authorizing the requested variance:** 525.520 (1)

**Background:** The size of the subject site is 61 ft. x 137 ft. (8,357 sq. ft.). The subject site is a through lot, which means that it fronts two streets, Cedar Shore Drive and Cedar Lake Parkway, and is subject to front yard setbacks along both streets.

The subject site addresses off of Cedar Lake Parkway, but does not have access to the parkway. The Minneapolis Park and Recreation Board owns the right of way along the parkway and, according to the applicant, will not allow walkway access to the parkway.

The applicant is proposing to construct an approximately 24 foot deep by 32 foot wide patio and a 6 foot in circumference fountain in the front yard along Cedar Lake Parkway. The proposed patio and fountain

extend approximately 29 feet from the front of the dwelling and are approximately 3 feet from the front property line along Cedar Lake Parkway. The Parkway right-of-way extends another 26 feet from the front property before intersecting the parkway.

The established front yard setback along Cedar Lake Parkway is 27 feet and the proposed patio and fountain will be 3 feet from the front property line. A variance is required to reduce the front yard setback to 3 feet to allow for the proposed patio and fountain.

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant has requested a variance to reduce the established front yard setback along Cedar Lake Parkway from approximately 27 feet to 3 feet to allow for a patio and fountain. The subject site is a through lot, which means it has front yard setbacks along both Cedar Shore Drive and Cedar Lake Parkway. Staff believes that this unique situation creates a hardship as the subject site has no backyard and is subject to two front yard setbacks, which are more restrictive than standard setbacks on a standard lot. Staff believes that strict adherence to the zoning ordinance would cause undue hardship.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The conditions upon which the setback variance is requested are unique to the parcel. The lot is a through lot and is subject to two front yard setbacks, which is more restrictive than the setbacks on a standard Minneapolis lot.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Staff believes that a front patio facing Cedar Lake Parkway will not negatively alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The adjacent properties to the north and south both have patios facing Cedar Lake Parkway. The applicant has indicated that the adjacent patios are both approximately 12 feet deep. The applicant is proposing a 24 foot deep patio, which will be 3 feet from the front property line along Cedar Lake Parkway. The adjacent patio to the north, at 2214 Cedar Lake Parkway, is approximately 23 feet from the front property line. The adjacent patio to the south, at 2224 Cedar Lake Parkway is approximately 20 feet from the front property line.

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Staff believes that a 24 deep patio at the subject site will alter the essential character of the neighborhood. The proposed depth would be out of scale with the adjacent properties and would affect the character of Cedar Lake Parkway.

Staff believes that a patio that does not extend closer to the front property line along Cedar Lake Parkway than the adjacent patios to the north and south would not alter the essential character of the neighborhood and would be in keeping with the spirit and intent of the ordinance. This would result in an approximately 20 foot setback from property line along Cedar Lake Parkway.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed dwelling be detrimental to the public welfare or endanger the public safety.

**Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** a variance to reduce the established front yard setback to **20** feet to allow for a patio and fountain in front of a single family dwelling located at 2220 Cedar Lake Parkway in the R1 Single Family District and the SH Shoreland Overlay District with the following condition.

1. CPED-Planning review and approve final site plan, floor plans, and elevations.