

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5292

Date: October 6, 2011

Applicant: Timothy Kane and Brenda Langton

Addresses of Property: 2004 Cedar Lake Parkway

Contact Person and Phone: Timothy Kane, (612) 508-2288

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: August 28, 2011

End of 60-Day Decision Period: October 26, 2011

Ward: 7 Neighborhood Organization: Bryn Mawr Neighborhood Association

Existing Zoning: R1 Single-Family District and SH Shoreland Overlay District

Zoning Plate Number: 17

Legal Description: Not applicable for this application

Proposed Use: Replace an existing four-season porch

Variance to permit development in the SH Shoreland Overlay District within 40 feet of the top of a steep slope.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances and Chapter 551, Article VI, SH Shoreland Overlay District.

Background: The subject property is approximately 65 ft. by 160 ft., on average, (10,400 sq. ft.) and the property includes a single-family dwelling with a detached garage. The applicant is proposing to reconstruct the existing 150 square foot enclosed porch on the front of the existing single family dwelling on the same foundation. The existing porch is located within 40 feet of the top of a steep slope, but not directly on it. Due to the proximity of the property to Cedar Lake, the grades on site and the location within the SH Shoreland Overlay District, the proposal requires variance to reconstruct the proposed porch within 40 feet of a steep slope.

To apply for a variance to allow for development on or within 40 feet of a steep slope or bluff the following four items must be met:

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

The existing single-family dwelling and the porch are within 40 feet of the top of the steep slope and require a variance to allow for the development.

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

The project area is currently developed and the foundation and underlying material will be adequate for the slope condition and soil type. There will be no disruption of the existing slope or soil for the proposed project.

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

The proposed porch reconstruction does not present danger of falling rock, mud, uprooted trees or other materials. There will be no disruption of the existing slope or soil for the proposed project.

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 contexts.*

The project area is located within 40 feet of the top of a steep slope and is located in the SH Shoreland Overlay District. The view from Cedar Lake will be consistent with what has existed on this property for many years.

Findings Required by the Minneapolis Zoning Code:

VARIANCES to permit development in the SH Shoreland Overlay District within 40 feet of the top of a steep slope or bluff.

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 circumstances upon which the variance is requested are unique to the parcel of land due to the existing steep slope and the proximity to Cedar Lake. The applicant is proposing to reconstruct the porch at exactly the same size and location and on the existing foundation. These circumstances have not been created by the applicant.

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 applicant is seeking variance to allow for the reconstruction of an existing porch located within 40 feet of the top of a steep slope in the SH Shoreland Overlay district. The proposed deck will be the same size and in the same location as the previous porch. Staff believes that the applicant is proposing to use the property in a reasonable manner.

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.

Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance and would not negatively alter the essential character of the area. The project area is located within 40 feet of the top of a steep slope and is intended to simply reconstruct the porch on the same foundation. The intent of the ordinance is to protect both the water body and other properties located below a steep slope from erosion and runoff. The applicant has demonstrated that the necessary precautions will be taken during the constructions of the porch and there are no changes to the foundation. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Cedar Lake. Further, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:

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

Staff believes the proposed project will prevent soil erosion and other possible pollution during and after construction. The applicant has demonstrated that the necessary precautions will be taken during the constructions of the porch and there are no changes to the foundation. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Cedar Lake.

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

Staff believes the proposed development will permit very limited site lines from Cedar Lake, if any. The proposed porch is not changing in size or location; the property will appear just as it has for many years.

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

The subject site does have direct access to Cedar Lake, but it is not accessed from the proposed deck. The proposed project will not require the accommodation of any additional watercraft of any type on Cedar Lake.

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 allow for development on or within 40 feet of the top of a steep slope to allow for the reconstruction of an existing enclosed porch to a single-family dwelling located at 2004 Cedar Lake Parkway in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following condition of approval:

1. CPED-Planning and all other applicable City departments review and approve the final plans.

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Attachments:

1. Written descriptions and findings submitted by the applicant
2. April 20, 2007, letters to Council Member Goodman and Bryn Mawr Neighborhood Association
3. Zoning map
4. Site plan
5. Floor plans
6. Elevations
7. Photos of the site and surrounding area.