

Department of Community Planning and Economic Development
Variance
BZZ-6348

Date: January 9, 2014

Applicant: Happy Medium, LLC

Address of Property: 1918 Cedar Lake Parkway

Contact Person and Phone: Christine Bleyhl, 612-961-1371

CPED Staff and Phone: Chris Vrchota, (612) 673-5467

Date Application Deemed Complete: December 13, 2013

End of 60 Day Decision Period: February 11, 2014

Ward: 7 Neighborhood Organization: Bryn-Mawr Neighborhood Association

Zoning: R1 Single Family District and SH Shoreland Overlay District.

Proposed Use: New single-family dwelling

Proposed Variance: A variance to allow for development, including the construction of a single-family dwelling, on or within 40 feet of the top of a steep slope for the property located at 1918 Cedar Lake Parkway in the R1 Single Family District and SH Shoreland Overlay District.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(17) “to permit development in the SH Shoreland Overlay District...within forty (40) feet of the top of a steep slope or bluff.”

Background: The property is roughly rectangular though irregular in shape, totaling 7,042 square feet. The property contains a single story single-family dwelling with a detached garage, constructed in 1911. The Applicant is proposing to demolish the existing house and construct a new 2-story single-family dwelling with both an attached garage and detached garage.

The front of the lot and the adjacent boulevard slope downwards approximately 10 feet towards Cedar Lake Parkway. The property contains a steep slope and is located in the Shoreland Overlay District. A variance is required for all development on or within forty (40) feet of the top of a steep slope in the Shoreland Overlay District. The Applicant has requested a variance to allow the proposed single-family dwelling on or near the steep slope. Based on the current plans, the proposed house would achieve 18 points for the administrative site plan review process, exceeding the required 15 points.

Findings Required by the Minneapolis Zoning Code:

- 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 Applicant is requesting a variance to allow development, including the construction of a new single-family home with an attached garage, on or within 40 feet of the top of a steep slope in the Shoreland Overlay District. The property is located in the Shoreland Overlay district and contains a steep slope. There is a relatively flat building envelope on the site where the current house is located. Moving the house further back on the lot would push the house into the upward sloped area at the back of the lot. This creates a practical difficulty unique to the property. The Applicant is proposing to replace an existing single-family dwelling with a new single-family dwelling. The rest of the block, including other properties located in the Shoreland Overlay District, is built out with single-family dwellings. The Applicant is proposing to use the property in a reasonable manner.

- 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 spirit and intent of the Shoreland Overlay District ordinance is to protect natural features from development that could have a negative impact on them. The subject property is located within 1,000 of the protected water. Redevelopment of a lot that currently contains a single-family dwelling with a new single-family dwelling will not have an impact on the protected water. The Applicant has provided information indicating how they plan on protecting the slope during and after construction, including measures to prevent soil erosion and plantings to stabilize the slope after construction is complete. The proposed development is in keeping with the spirit and intent of the ordinance and comprehensive plan.

- 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 a variance to allow development within 40 feet of the top of a steep slope to allow for the construction of a new single-family dwelling in a neighborhood full of single-family dwellings will not alter the essential character of the locality or be injurious to the use or enjoyment of other properties in the vicinity. The proposed house would meet the requirements for height and floor-area ratio. Additionally, granting the variance will not result in a substantial increase in the congestion of the public streets, danger of fire or be detrimental to the public welfare or endanger the public safety.

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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.**
Building and erosion control permits will be reviewed and issued before any work may begin on the subject property. The Applicant has stated that the vegetation on the slope at the front of the property will remain in place and that additional plantings will be added at the top of the slope after construction. The landscaping plan provided by the applicant shows substantial new plantings near the front property line, including ground cover plants, shrubs and trees. Additional plantings are shown at the southwest corner of the house. One mature tree is shown as being removed in the rear yard of the property- several new trees are being planted in replacement. The staff recommendation includes a condition requiring a soil erosion control plan as part of the site plan review application so that proper site protection can be verified.
- 2. Limiting the visibility of structures and other development from protected waters.**
The proposed development will be visible from the protected water, though much of the lower portions of the house will be screened by vegetation. The new house would not be any more visible from the protected water than other existing 2-story dwellings along the street face.
- 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 not have direct access to the protected water and will not require the accommodation of any additional watercraft.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the findings above and approve a variance to allow for development, including the construction of a single-family dwelling, on or within 40 feet of the top of a steep slope for the property located at 1918 Cedar Lake Parkway in the R1 Single Family District and SH Shoreland Overlay District subject to the following condition of approval:

1. The applicant shall apply to obtain necessary approvals for administrative site plan review.
2. The Applicant shall provide a soil erosion control plan with the site plan review application.
3. CPED staff review and approve the final site plan, building plans, and elevations.
4. All site improvements shall be completed by January 9, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments

1. Statement of proposed use and variance findings- Submitted by Applicant
2. Letters to neighborhood organization and Council member- Submitted by Applicant
3. Zoning map- Provided by Staff
4. Survey, Site Plan, Building Plans and Elevations- Submitted by Applicant
5. Photographs- Submitted by Applicant