



CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
BOA Agenda Item #2
August 13, 2015
BZZ-7300

LAND USE APPLICATION SUMMARY

Property Location: 1415 Cedar Lake Parkway
Project Name: 1415 Cedar Lake Parkway Addition
Prepared By: [Janelle Widmeier](#), Senior City Planner, (612) 673-3156
Applicant: Bowen and Amy Keller
Project Contact: Jon Colliander, Trehus Builders
Request: Two-story addition to a single-family dwelling.
Required Applications:

Variance	To allow development on or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District.
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SITE DATA

Existing Zoning	RI Single-Family District SH Shoreland Overlay District
Lot Area	12,013 square feet
Ward(s)	7
Neighborhood(s)	Bryn Mawr Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable.
Small Area Plan(s)	Not applicable.

Date Application Deemed Complete	July 17, 2015	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	September 15, 2015	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The existing use is a single-family dwelling. It was permitted for construction in 1925. The site has frontage on Cedar Lake Parkway and is adjacent to a public alley.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties are predominately single-family dwellings. Brownie Lake is located across the street.

PROJECT DESCRIPTION. The applicant is proposing to construct a 2-story addition on the south side of the single-family dwelling located at the property of 1415 Cedar Lake Parkway. The westerly area of the site is on a steep slope (an average 18 percent slope or greater measured over a horizontal distance of 50 feet or more, with a height of 10 feet or greater). In the SH Overlay District, a variance is required to allow development on a steep slope or within 40 feet of a steep slope. The proposed addition would be within 40 feet of the steep slope.

PUBLIC COMMENTS. As of the writing of this report, staff has not received any correspondence from the neighborhood group. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to allow development on or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District, based on the following findings:

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.*

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The site slopes significantly on the north and west sides of the property. Over 50 percent of the site is on a steep slope or within 40 feet of the top of the steep slope, including the footprint of the existing dwelling. Because the site is located in the SH overlay district, developing in this area requires a variance. For these reasons, there are limited options to expand the dwelling without needing a variance. Although within 40 feet of the steep slope, the addition is proposed to be located in an area that is relatively flat.

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 SH Shoreland Overlay District is established to preserve and enhance the environmental qualities of surface waters and the natural and economic values of shoreland areas within the city, to provide for the efficient and beneficial utilization of those waters and shoreland areas, to comply with the requirements of state law regarding the management of shoreland areas, and to protect the public health, safety and welfare. In order to ensure that adverse environmental impacts are

minimal, development on or within 40 feet of a steep slope in the SH Overlay District can only be approved through a variance. Development allowed by variance is subject to the following conditions:

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

Development currently exists on the subject property and adjacent properties that are located on the steep slope and within 40 feet of the steep slope.

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

The proposed foundation of the addition (approximately 180 square feet in area) would be located on an area of the site that does not slope significantly. The applicant expects the soil type to be sandy-gravel. If the variance is approved, the development footings and foundation are required to comply with the building code requirements, which include being founded in material with an embedment and setback from the slope surface sufficient to provide vertical and lateral support for the footing without detrimental settlement. The applicant will be required to work closely with the Construction Code Services Section of CPED during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements to meet this condition.

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

The area of the site impacted by construction is limited by the size of the addition, which would be located on an area of the site that does not slope significantly. The applicant has indicated that a silt fence will be located on the slope to prevent erosion and debris from leaving the site during construction. The closest tree to the addition is at a distance of 26 feet. Post-construction, the applicant is proposing to maintain the existing grading. If the plans are approved and implemented in the manner required by the building code and in accordance with the soil erosion plan, the development should present no danger of falling rock, mud, uprooted trees, or other environmental issues.

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 context.*

The subject site is located east of Brownie Lake. The surrounding properties are predominantly larger-scale single-family dwellings. There are no nearby historic districts or landmarks. Much of the steep slope has already been altered by development and retaining walls. The proposed addition would not make the dwelling any more visible from the lake.

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 the variances would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. Much of the steep slope has already been altered by development and retaining walls. The existing grading is proposed to be maintained once construction is complete. If granted, the proposed variance will not be detrimental to the health,

safety or welfare of the public or those utilizing the property provided the proposed construction is built to current building codes and the erosion control is implemented using best practices.

Additional Standards for Variances within the SH Shoreland Overlay District

In addition, the Zoning Board of Adjustment shall consider, but not be limited to, the following [factors](#) when considering conditional use permit or variance requests within the SH Shoreland Overlay District:

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

The site is near Brownie Lake. The area of site impacted by construction is limited by the size of the addition, which would be located on an area of the site that does not slope significantly. The applicant has indicated that a silt fence will be located on the slope to prevent erosion and debris from leaving the site during construction. The closest tree to the addition is at a distance of 26 feet. Post-construction, the applicant is proposing to maintain the existing grading. The subject site would not be significantly altered to adversely affect the water quality of the lake.

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

Much of the steep slope has already been altered by development and retaining walls. The proposed addition would not make the dwelling any more visible from the lake.

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

This standard is not applicable for the proposed development.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Bowen and Amy Keller for the property located at 1415 Cedar Lake Parkway:

A. Variance to allow development on or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District.

Recommended motion: **Approve** the variance to allow development on or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District to allow an addition to a single-family dwelling, subject to the following conditions:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by August 13, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site survey
4. Site plan
5. Floor plans
6. Building elevations
7. Photos

**Keller Variance Application
1415 Cedar Lake Parkway
Minneapolis, MN., 55416**

The proposed project is a new kitchen and second floor bedroom addition with additional remodeling work (primarily family room) within the existing home. We are seeking a variance for the required 40 foot setback from the top of a steep slope in the Shoreland Overlay District.

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 existing property has a significant slope at the front (west) edge of the property which extends to Cedar Lake Parkway and then further down to Brownie Lake. There is also a significant slope on the north edge of the property. The existing home (built in 1925) is situated on the top of these slopes on the most level area of the property, but is less than 40 ft. from the top of these slopes.
- Because of the unique topography, there is almost no portion of the property which is not within 40 ft. of the top of the steep slopes. This leaves no practical location to add onto the home without encroaching into this setback.

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 proposed addition contains a new bedroom and bath on the second floor to accommodate the 3 children of the household. The first floor addition expands and relocates the existing kitchen and family room and is necessary to support and facilitate access to the new second floor space
- Each of these alterations are imminently practical for the homeowners and are consistent with the types of uses found in other homes in the neighborhood, and the uses permitted for an R1 zone.

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.

- The proposed addition fits the character of the existing home and neighborhood, and does not extend the structure beyond the prescribed yard setbacks or more than the existing structure already is.
- The new addition will be built in accordance with current building codes.

Shoreland Overlay District:

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

- The proposed addition is on a flat portion of the property.
- The final grading of the site will direct water via the existing topographic slopes of the site.

(2) Limiting the visibility of structures and other development from protected waters:

- The proposed addition at the southwest corner of the home does not extend the home further to the south or west sides of the existing home, and does not extend beyond the front face of either of the adjacent properties.
- The proposed addition is lower in height than the existing home already on the property.

(3) The suitability of the protected water to safely accommodate the types, uses and number of watercraft that the development will generate:

- The property in question is separated from Brownie Lake by Cedar Lake Parkway, and will continue its use as a single family residence. Therefore, the proposed development will have no impact on the use of watercraft.

Location of development (551.470)

(1) Development must currently exist in the steep slope or within 40 feet of the top of a steep slope within 500 feet of the proposed development.

- The existing house on the property is within 40 feet of the top of the steep slope, as is the neighboring property at 1425 Cedar Lake Parkway.
- The proposed addition is set 1'-4" back from the front of the existing home (further from the top of the steep slope).

(2) The foundation and underlying material shall be adequate for the slope condition of the site.

- The slope at the proposed addition is nearly level and does not begin to slope for a distance of at least 21 feet from the proposed addition.
- The existing soil is presumed to be sandy, gravel. This is based on the condition of the foundation of the existing home, and its elevation. (The existing foundation walls are standard concrete block with no structural cracks, and standard footing sizes as shown in the construction drawings of the family room addition drawn and built in 1995). Should conditions prove different then this at the start of excavation, work will halt until engineering can be done and corrective measures taken.

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

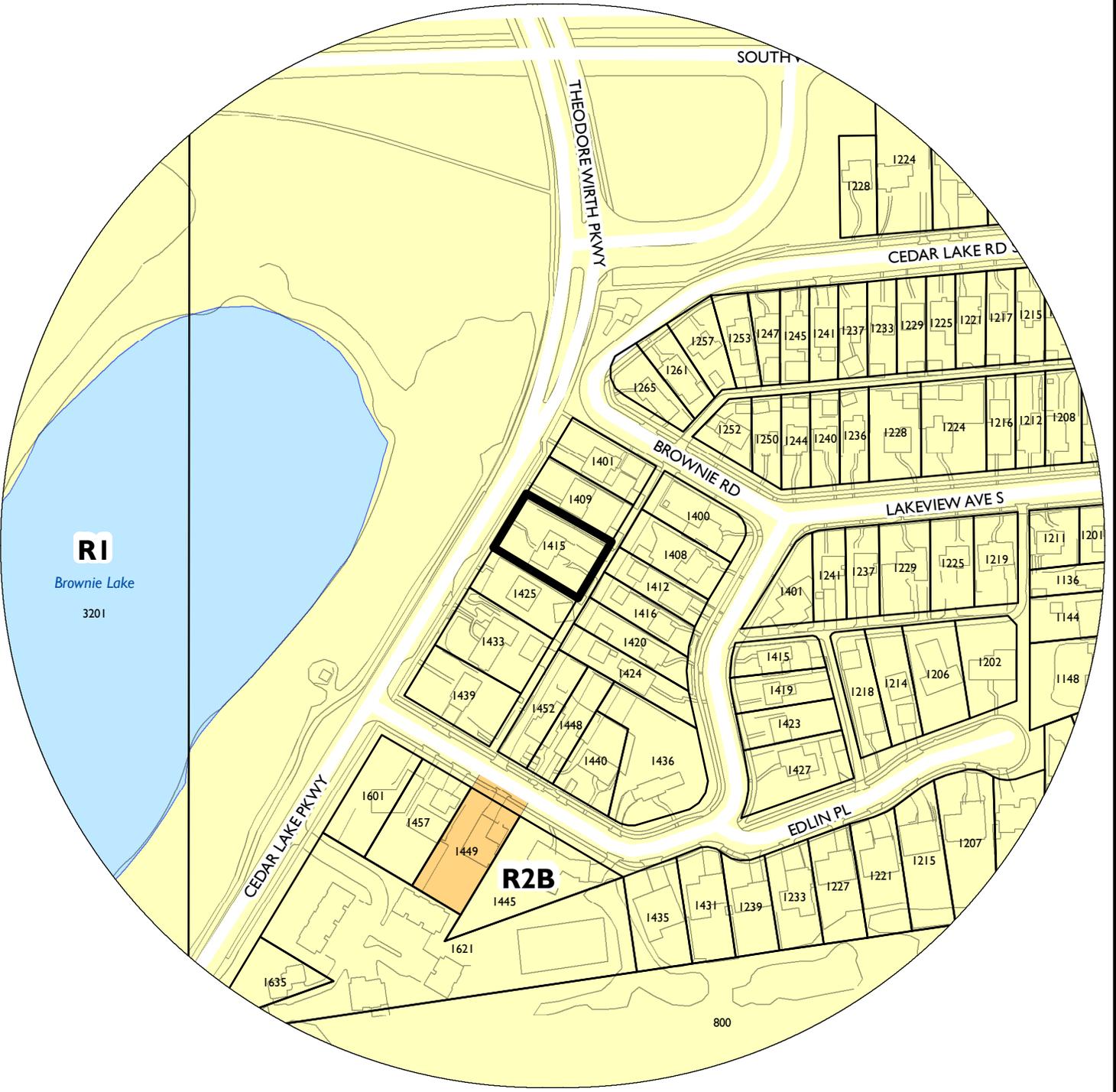
- The slope at the proposed addition is nearly level and does not begin to slope for a distance of at least 21 feet from the proposed addition. The closest tree to the proposed addition is 26 feet away.
- The steep slope at the existing property is a sod lawn with no rocks and two large trees (one elm, and one maple). A silt fence will be located on the slope to prevent erosion and debris from leaving the site during construction.

(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 context.

- There will be no change to the existing slope upon completion of the project. (Temporary modifications may occur to facilitate access to the site during construction).

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

1415 Cedar Lake Pkwy

FILE NUMBER

BZZ-7300

ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 WWW.ADVSR.COM

SURVEY FOR: **TREHUS**

SURVEYED: May, 2015

DRAFTED: May 20, 2015

LEGAL DESCRIPTION:

Lots 4 and 5, and the Northeasterly 10 feet of Lot 6, including adjacent 3 feet of vacated alley, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. Showing and tabulating hard cover area and the area of the lot for your review and for the review of such governmental agencies that may have jurisdiction over hard cover requirements.
5. While we show proposed improvements to your property, we are not as familiar with your plans as you are nor are we as familiar with the requirements of governmental agencies as their employees are. We suggest that you review the survey to confirm that the proposals we show are what you intend and submit the survey to such governmental agencies that may have jurisdiction over your project and gain their approvals if you can before beginning construction or planning improvements to the property.
6. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.

STANDARD SYMBOLS & CONVENTIONS:

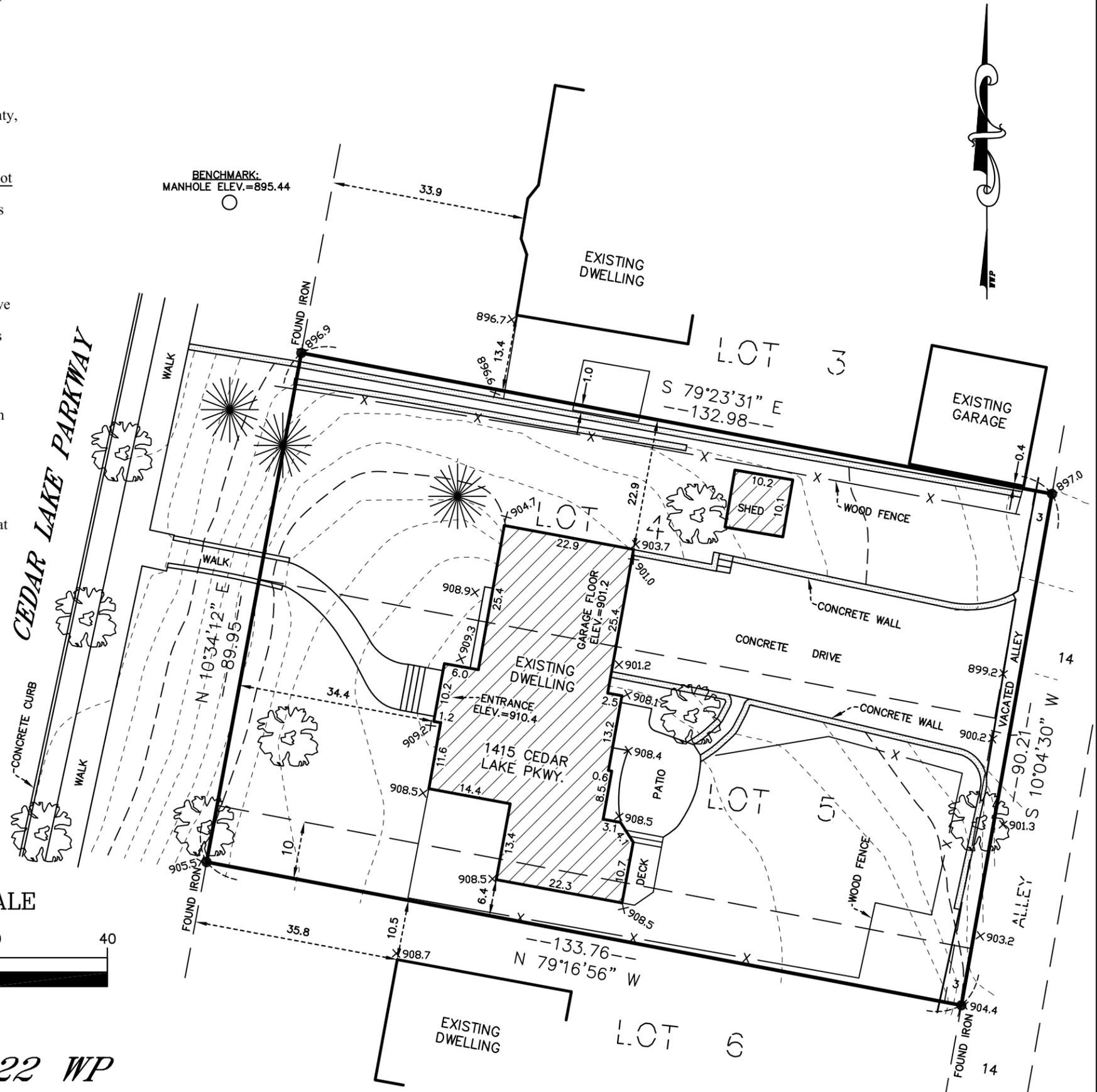
"●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

CERTIFICATION:

I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer and Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: *James H. Parker* Typed Name: James H. Parker Reg. No.: 9235

Date: May 20, 2015



EXISTING HARDCOVER

House	1,578 Sq. Ft.
Deck	60 Sq. Ft.
Shed	103 Sq. Ft.
Concrete Driveway	1,528 Sq. Ft.
Bituminous Alley	267 Sq. Ft.
Concrete Walls	214 Sq. Ft.
Stone Walls	197 Sq. Ft.
Front Walk	216 Sq. Ft.
Patio	242 Sq. Ft.

TOTAL EXISTING HARDCOVER 4,405 Sq. Ft.

AREA OF LOT 12,013 Sq. Ft.

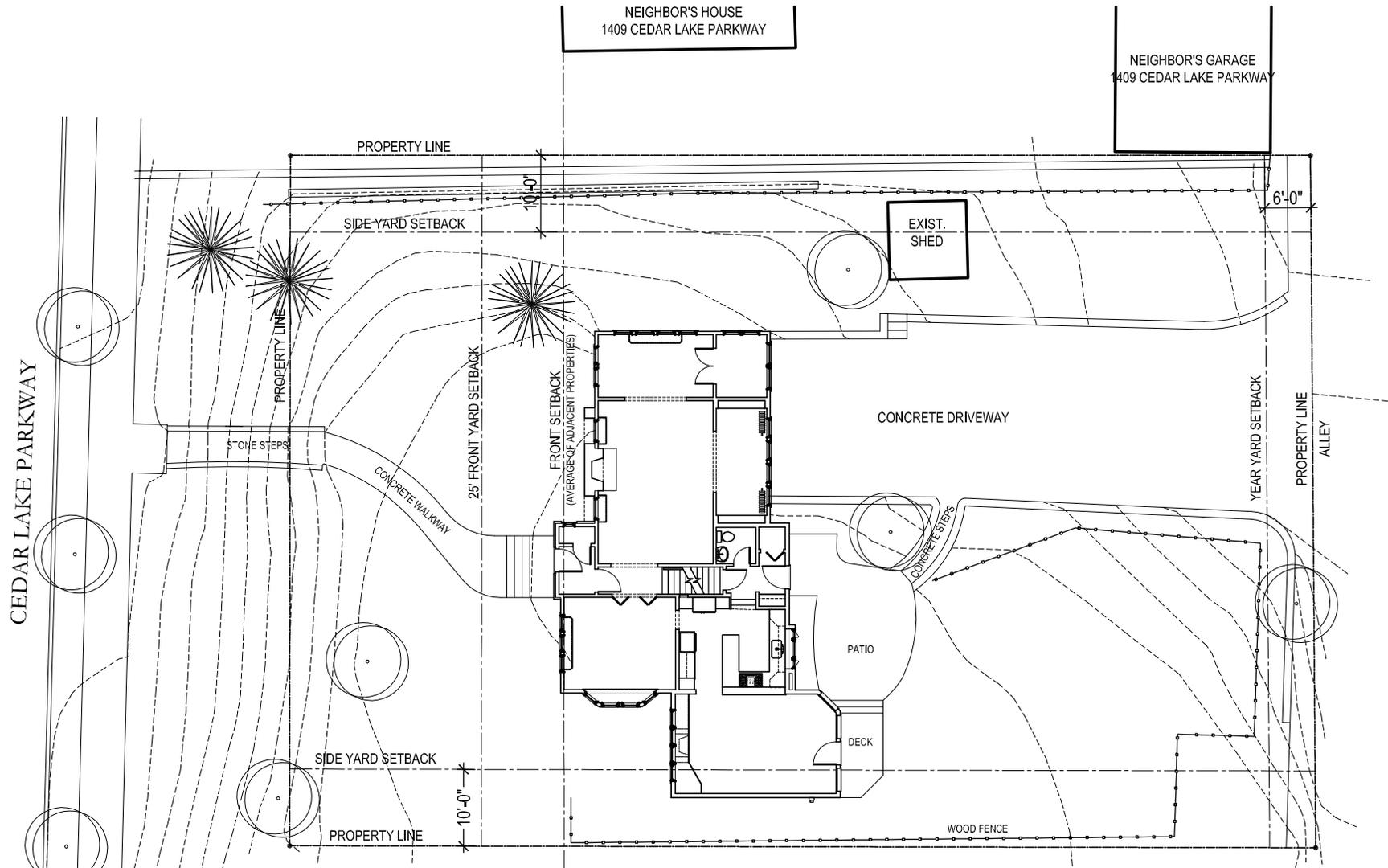
PERCENTAGE OF HARDCOVER TO LOT 36.7%

GRAPHIC SCALE



(IN FEET)

DWG. NO. 150322 WP



NEIGHBOR'S HOUSE
1409 CEDAR LAKE PARKWAY

NEIGHBOR'S GARAGE
1409 CEDAR LAKE PARKWAY

LOT SIZE: 12,013 SQ. FT.
TOTAL AREA OF STRUCTURES:
1681 SQ. FT. (14% < 45% Maximum)
TOTAL IMPERVIOUS SURFACE AREA:
4405 SQ. FT. (36.7% < 60% Maximum)

NEIGHBOR'S HOUSE
1425 CEDAR LAKE PARKWAY

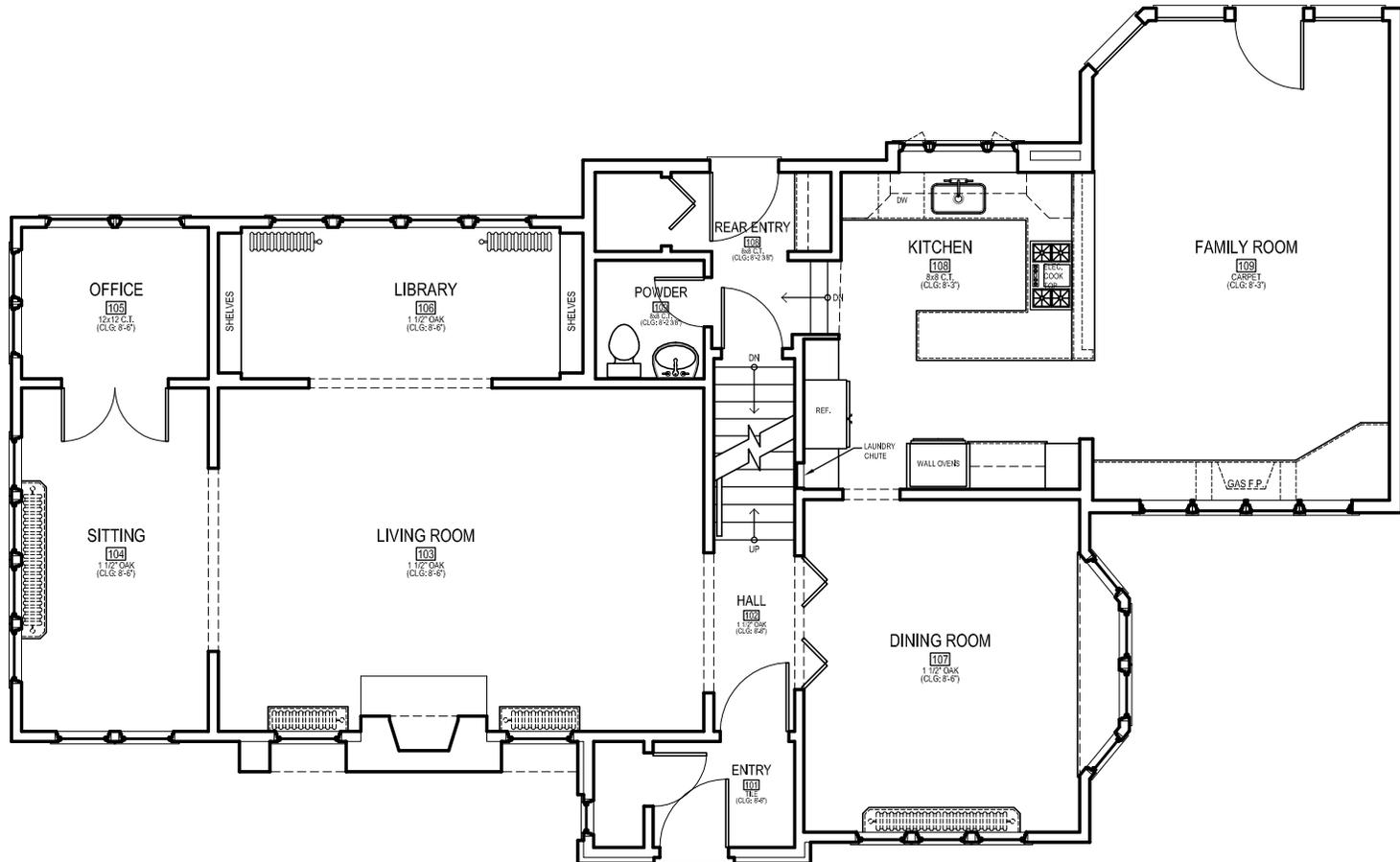
***NOTES:**
1. Information shown on site plan was generated from survey provided by James H. Parker, (Reg # 9235) Advance Surveying & Engineering, dated 5/20/15.



— | — SITE PLAN: EXISTING
SCALE: 1" = 20'



KELLER RESIDENCE
1415 CEDAR LAKE PARKWAY
MINNEAPOLIS, MN. 55416



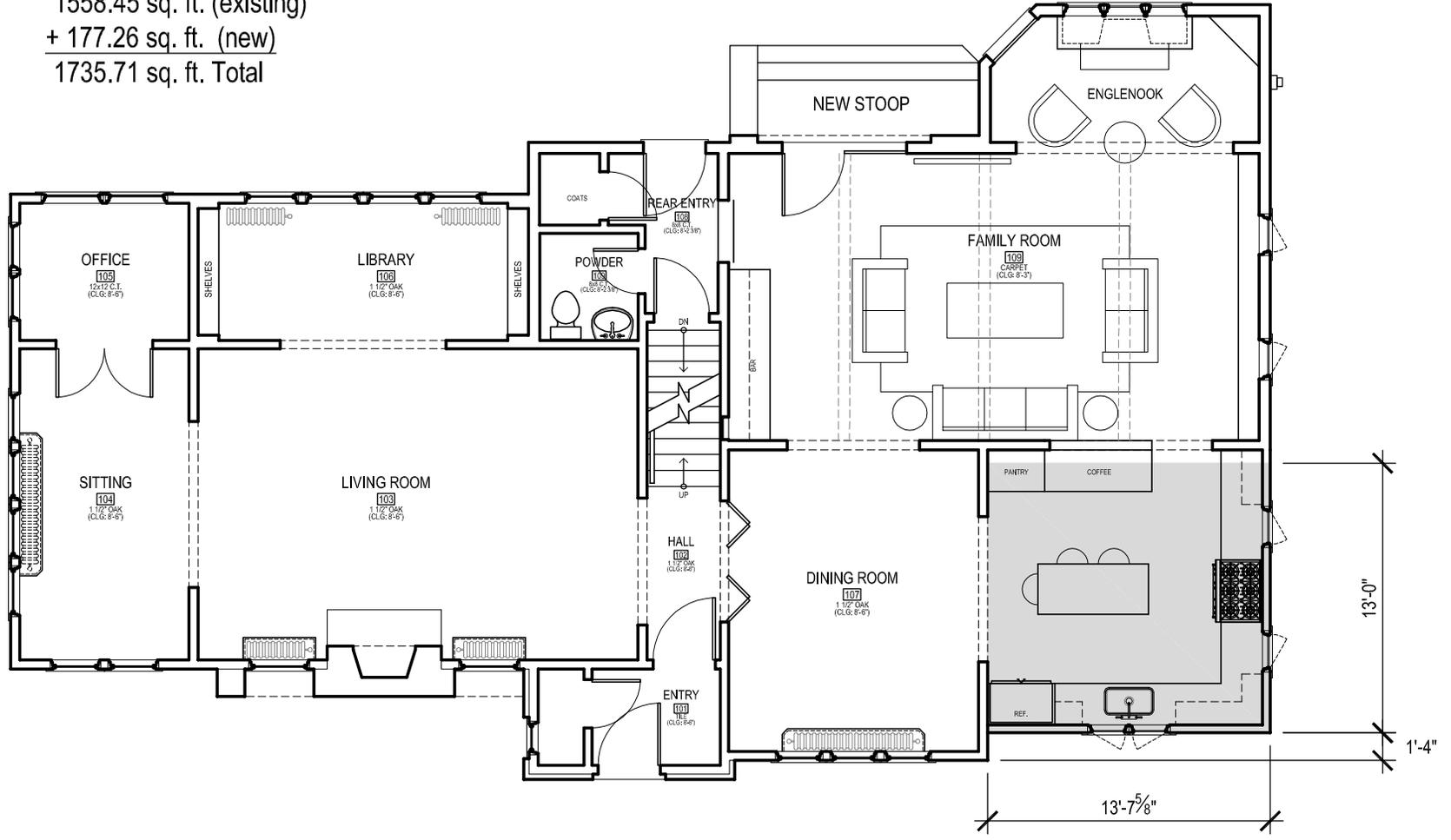
MAIN FLOOR PLAN: EXISTING
 SCALE: 1/8" = 1'-0"

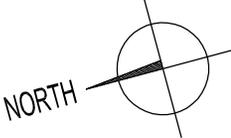


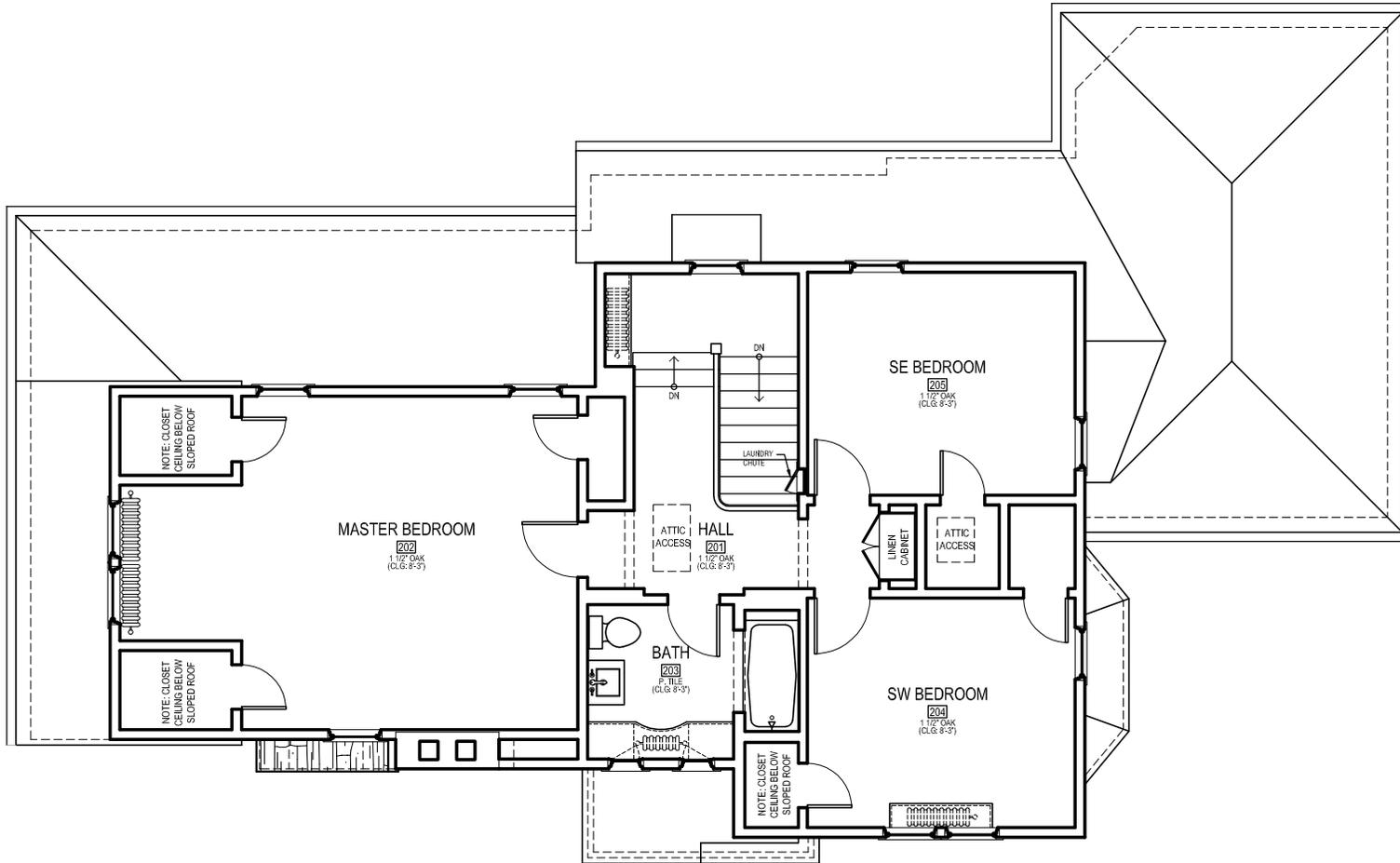
KELLER RESIDENCE
 1415 CEDAR LAKE PARKWAY
 MINNEAPOLIS, MN. 55416

NOTE: FOOTPRINT OF NEW STRUCTURE IS SHADED

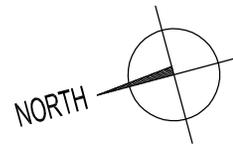
1558.45 sq. ft. (existing)
+ 177.26 sq. ft. (new)
1735.71 sq. ft. Total



 <p>TREHUS</p>	<p>MAIN FLOOR PLAN: PROPOSED</p> <p>SCALE: 1/8" = 1'-0"</p> <p>NORTH </p>	<p>KELLER RESIDENCE 1415 CEDAR LAKE PARKWAY MINNEAPOLIS, MN. 55416</p>
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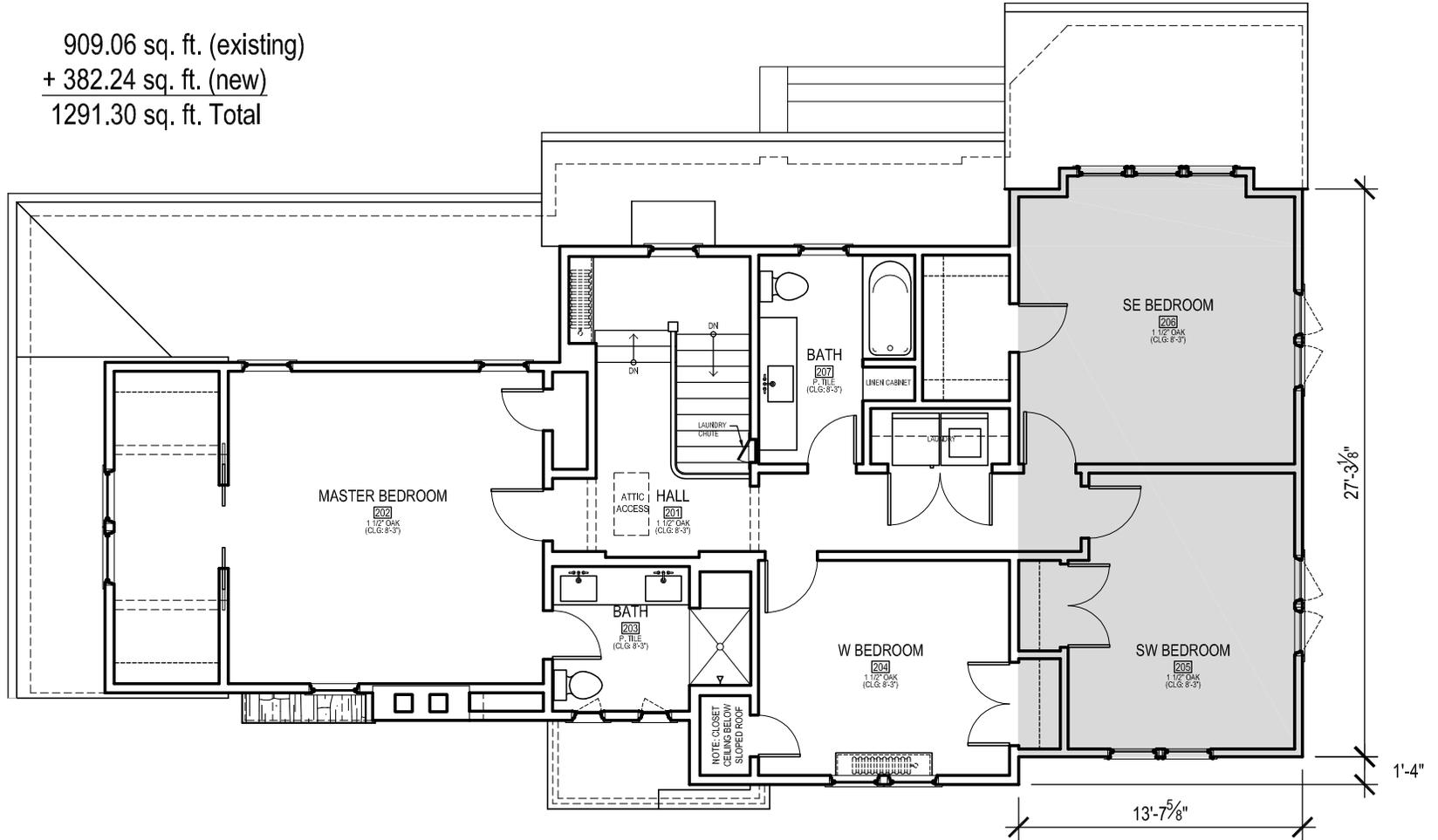
UPPER FLOOR PLAN: EXISTING
 SCALE: 1/8" = 1'-0"

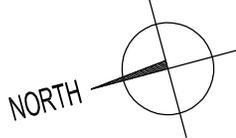


KELLER RESIDENCE
 1415 CEDAR LAKE PARKWAY
 MINNEAPOLIS, MN. 55416

NOTE: AREA OF NEW SECOND FLOOR IS SHADED

909.06 sq. ft. (existing)
+ 382.24 sq. ft. (new)
1291.30 sq. ft. Total



 <p>TREHUS</p>	<p>UPPER FLOOR PLAN: PROPOSED SCALE: 1/8" = 1'-0"</p> 	<p>KELLER RESIDENCE 1415 CEDAR LAKE PARKWAY MINNEAPOLIS, MN. 55416</p>
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FRONT (WEST) ELEVATION: EXISTING
SCALE: $\frac{1}{8}$ " = 1'-0"

KELLER RESIDENCE
1415 CEDAR LAKE PARKWAY
MINNEAPOLIS, MN. 55416

NOTE: AREA OF NEW STRUCTURE IS SHADED

New exterior siding materials to match existing:

- Stucco Siding (Buff)
- Painted Wood Trim (Brown)
- Asphalt Shingles (Brown)



FRONT (WEST) ELEVATION: PROPOSED
SCALE: $\frac{1}{8}'' = 1'-0''$

KELLER RESIDENCE
1415 CEDAR LAKE PARKWAY
MINNEAPOLIS, MN. 55416



— | SIDE (SOUTH) ELEVATION: EXISTING
SCALE: $\frac{1}{8}$ " = 1'-0"

KELLER RESIDENCE
1415 CEDAR LAKE PARKWAY
MINNEAPOLIS, MN. 55416

NOTE: AREA OF NEW STRUCTURE IS SHADED

New exterior siding materials to match existing:

- Stucco Siding (Buff)
- Painted Wood Trim (Brown)
- Asphalt Shingles (Brown)



SOUTH (SIDE) ELEVATION: PROPOSED
SCALE: 1/8" = 1'-0"

KELLER RESIDENCE
1415 CEDAR LAKE PARKWAY
MINNEAPOLIS, MN. 55416



REAR (EAST) ELEVATION: EXISTING
SCALE: $\frac{1}{8}'' = 1'-0''$

KELLER RESIDENCE
1415 CEDAR LAKE PARKWAY
MINNEAPOLIS, MN. 55416

NOTE: AREA OF NEW STRUCTURE IS SHADED

New exterior siding materials to match existing:

- Stucco Siding (Buff)
- Painted Wood Trim (Brown)
- Asphalt Shingles (Brown)



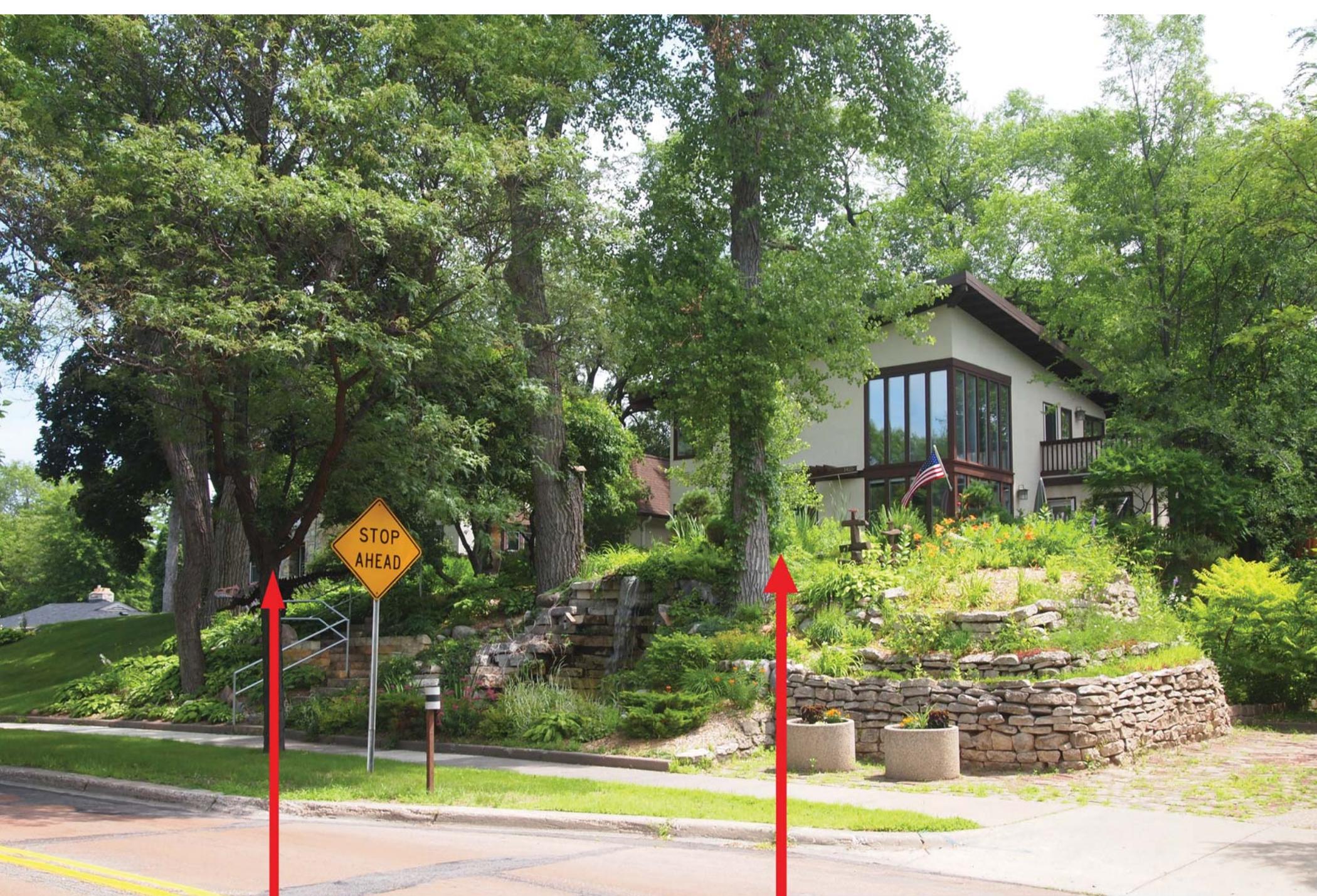
REAR (EAST) ELEVATION: PROPOSED
SCALE: 1/8" = 1'-0"

KELLER RESIDENCE
1415 CEDAR LAKE PARKWAY
MINNEAPOLIS, MN. 55416

**BROWNIE
LAKE**



Aerial photograph of site



STOP
AHEAD

1415 Cedar lake Parkway

1425 Cedar Lake Parkway



1415 Cedar Lake Parkway

1425 Cedar Lake Parkway



1409 Cedar Lake Parkway



409

1415 Cedar Lake Parkway

Steep slope at North edge of property

1409 Cedar Lake Parkway

1415 Cedar Lake Parkway

1425 Cedar Lake Parkway

**View looking South (parallel
to front of house)**





View from back yard of 1415 Cedar Lake Parkway showing adjacent neighbor (1425)



View looking between homes at 1415 Cedar Lake Parkway (on right) and 1425 Cedar Lake Parkway (on left). Proposed addition to align with existing wall.