



LAND USE APPLICATION SUMMARY

Property Location: 3748 West Lake Calhoun Parkway
Project Name: Variances for New Single-Family Dwelling
Prepared By: Andrew Liska, City Planner, 612.673.2264
Applicant: Rob Eldridge
Project Contact: Rob Eldridge
Request: To reduce the established front yard setback and to develop on or within 40 feet of a steep slope in the SH Shoreland Overlay District.

Required Applications:

Variance	To reduce the established front yard setback from 34 feet to 23 feet for the single-family dwelling
	To reduce the established front yard setback from 34 feet to 3 feet for a 440 square foot patio and retaining wall not retaining natural grade
	To develop on a steep slope or bluff or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District

SITE DATA

Existing Zoning	RI District SH Overlay District
Lot Area	4,214 square feet
Ward(s)	13
Neighborhood(s)	Linden Hills
Designated Future Land Use	Urban Neighborhood
Land Use Features	NA
Small Area Plan(s)	NA

Date Application Deemed Complete	August 5, 2015	Date Extension Letter Sent	N/A
End of 60-Day Decision Period	October 4, 2015	End of 120-Day Decision Period	N/A

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. On May 6, 2013, a land-use application (BZZ-6058) was submitted requesting variances to the front yard setback, development on a steep slope in the SH Shoreland Overlay District, and to increase the floor area ratio (FAR). This application was presented to the Board of Adjustment on June 20, 2013.

The Board approved the front yard setback variances and the development on a steep slope in the SH Shoreland Overlay District requests and denied the floor area ratio (FAR) increase. With the approval of the variances, the Board of Adjustment included conditions of approval that preserved trees 10” in diameter of greater. The complete actions from this land-use application are included in the packet.

A land-use application (BZZ-6389) for the new single-family dwelling was submitted on December 13, 2013. Staff reviewed and approved the plans on December 30, 2013. Zoning Inspectors approved the framing inspection in September 2014 and continued standard monitoring of construction.

An inspection on March 13, 2015, revealed that trees over 10” in diameter had been killed on Minneapolis Parks & Recreation Board property; a 10” Common Hackberry and a 12” Black Walnut. The Zoning Inspector sent a notice to the builder and the owner of this violation and contacted the Minneapolis Parks and Recreation Board to analyze the site and provide a valuation of the trees removed. The valuation report prepared by a Forestry Preservation Inspector with the Minneapolis Parks & Recreation Board is included in this packet.

Currently, on the Minneapolis Parks & Recreation Board property in front of the subject property, there are three trees on the west side: a 36” Elm, a 6” Ash, and a 4” Ash. On the subject property, an 8” Birch was removed from the west side of the lot and a 36” Black Oak was removed from the middle of the lot. There are no original trees existing but several arborvitae hedges on the west side of the property were planted post-construction of the new home. Several trees were proposed to be removed for construction as a part of the original report and these are not listed as violations.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. As of the writing of the original staff report, the property to the east, 3750 West Lake Calhoun Parkway, received three variances; front yard setback reduced to 22.25 feet, the reverse corner yard setback reduced to 5.75 feet, and to develop on a steep slope in the SH Shoreland Overlay District.

Aside from this change, see the original staff report for the surrounding properties and neighborhood description.

PROJECT DESCRIPTION. As the condition of approval requiring the preservation of trees 10” or greater can no longer be met, the applicant is seeking to amend the conditions of approval associated with the original land-use application.

The plans within the original staff report have not been changed aside from the tree preservation aspect. The tree preservation on the site plan has been altered as two trees exceeding 10” in diameter at 4.5’ above grade were removed.

RELATED APPROVALS.

Planning Case #	Application	Description	Action
BZZ-6858	Variances for	Front yard variances;	Front yard and steep

	construction of new single-family dwelling	Developing on a steep slope; Increasing FAR	slope variances approved with conditions; FAR denied.
BZZ-6389	Administrative Site Plan Review – New I-4 Dwelling Unit	Two story single-family dwelling	Approved with conditions.

PUBLIC COMMENTS. As of writing this staff report, staff has not received any correspondence from the Linden Hills Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

ANALYSIS

VARIANCE

The applicant is not able to meet the conditions of approval with the variances approved in the original land use application. In some variance findings, the trees were a relevant aspect in granting said variance whereas other findings remain the unchanged from the original staff report. If the removal of said trees did not impact the findings, the original staff report (attached) will remain unchanged. As for the variance findings that are impacted by removal of trees, new findings are below. The original staff is included in this packet.

The Department of Community Planning and Economic Development has analyzed the application for a variance of Chapter 525, Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations,” 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.*
See original findings; unchanged.
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.*
See original findings; unchanged.
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.*
See original findings; unchanged.

FINDINGS REQUIRED BY THE MINNEAPOLIS 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.*
See original findings; unchanged.

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

While the reduction in the established front yard setback itself does not change the visibility of the structure from Lake Calhoun, changes to the site around the removal of vegetation on the slope along with two trees over 10” in diameter have drastically changed the visibility of the site from Lake Calhoun.

In order to limit the visibility from the protected water, staff recommends strategic placement of new plantings to resemble the hillside canopy before the construction of the new single-family dwelling.

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

See original findings; unchanged.

The Department of Community Planning and Economic Development has analyzed the application for a variance of Chapter 525, Article IX Variances, specifically Section 525.520(17) “to permit development in the SH Shoreland Overlay District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff, 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.*

See original findings; unchanged.

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.*

See original findings; unchanged. The applicant did receive an encroachment permit from the Minneapolis Parks & Recreation Board; the original report noted that they were still reviewing the application from the applicant.

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.*

See original findings; the aforementioned alterations to natural grade were included in the original plans but were also in part responsible for the loss of trees on the Minneapolis Parks & Recreation Property and on the subject property. The applicant did not carry out their submitted mitigation plan and tree protection plan as a part of the alteration in grade and that resulted in the loss of several trees, including those that were expressly conditioned to be saved.

With that said, there are some trees existing on the western side of the site and the proposed updated conditions of approval are in place to bring the site back to pre-development conditions in time.

FINDINGS REQUIRED BY THE MINNEAPOLIS CODE FOR DEVELOPMENT IN THE SHORELAND OVERLAY DISTRICT

Chapter 551.470 Location of Development prohibits development except as authorized by variance. Development authorized by variance shall be subject to the following:

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.*

See original findings; unchanged.

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

See original finding; unchanged.

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

See original findings; unchanged. To clarify, the applicant did receive the encroachment permit from the Minneapolis Parks & Recreation Board that hadn't been issued at the time the previous report was written.

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.*

During construction of the new single-family dwelling, several trees, including two trees with 10" + diameter on MPRB property and two trees on the subject property. The site plan approved by the Board of Adjustment did include the removal of several trees, however, the condition that 10" diameter and greater shall be preserved.

In order to limit the visibility from the protected water, staff recommends strategic placement of new plantings to resemble the hillside canopy before the construction of the new single-family dwelling.

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

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

See original findings; unchanged.

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

While the variance to develop on the steep slope itself does not change the visibility of the structure from Lake Calhoun, changes to the site around the removal of vegetation on the slope along with both trees over 10" in diameter have drastically changed the visibility of the site from Lake Calhoun.

Much of the vegetation that was removed in the process is in front of the single-family dwelling, both in the front yard and also in the Minneapolis Parks & Recreational Board property.

In order to limit the visibility from the protected water, staff recommends strategic placement of new plantings to resemble the hillside canopy before the construction of the new single-family dwelling.

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

See original findings; unchanged.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by Rob Eldridge for the property located at 3748 West Lake Calhoun Parkway:

A. Variance of the established front yard setback of approximately 34 feet to 23 feet for the construction of a new single-family dwelling.

Recommended motion: **Approve** the application, subject to the following conditions:

1. Approval of the final site and landscaping plans by the Department of Community Planning and Economic Development.
2. The applicants shall submit a revised landscaping plan demonstrating three (3) new trees on Minneapolis Parks & Recreational Board property and two (2) new trees on the subject property; each tree must be 2.5" minimum at 4.5' above grade.
3. The applicant shall provide a landscaping plan demonstrating how the view of the property from Lake Calhoun will be consistent with pre-development conditions to the extent practical.
4. The applicant shall work with the Minneapolis Parks & Recreational Board in getting final planting permits approved in determining tree species and locations for trees located on MPRB property.
5. All site improvements shall be completed by November 1, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

B. Variance of the established front yard setback of approximately 34 feet to 3 feet for a 440 square foot patio and retaining wall not retaining natural grade.

Recommended motion: **Approve** the application, subject to the following conditions:

1. Approval of the final site and landscaping plans by the Department of Community Planning and Economic Development.
2. The applicants shall submit a revised landscaping plan demonstrating three (3) new trees on Minneapolis Parks & Recreational Board property and two (2) new trees on the subject property; each tree must be 2.5" minimum at 4.5' above grade.
3. The applicant shall provide a landscaping plan demonstrating how the view of the property from Lake Calhoun will be consistent with pre-development conditions to the extent practical.
4. The applicant shall work with the Minneapolis Parks & Recreational Board in getting final planting permits approved in determining tree species and locations for trees located on MPRB property.
5. All site improvements shall be completed by November 1, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

C. Variance to develop on a steep slope or bluff or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District.

Recommended motion: **Approve** the application, subject to the following conditions:

1. Approval of the final site and landscaping plans by the Department of Community Planning and Economic Development.
2. The applicants shall submit a revised landscaping plan demonstrating three (3) new trees on Minneapolis Parks & Recreational Board property and two (2) new trees on the subject property; each tree must be 2.5" minimum at 4.5' above grade.

3. The applicant shall provide a landscaping plan demonstrating how the view of the property from Lake Calhoun will be consistent with pre-development conditions to the extent practical.
4. The applicant shall work with the Minneapolis Parks & Recreational Board in getting final planting permits approved in determining tree species and locations for trees located on MPRB property.
5. All site improvements shall be completed by November 1, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Zoning map
2. Written description and findings submitted by applicant
3. Original Staff Report – BZZ-6058
4. Actions for BZZ-6058
5. Survey
6. Tree Demonstration based on August 12, 2015 site visit
7. Existing Landscaping Plan
8. Floor plans
9. Tree Valuation Report
10. Photos
11. Photos from Lake Calhoun
12. Google Street Views of site from October 2014, August 2013, and, October 2011
13. Encroachment Permit – Minneapolis Park & Recreation Board – November 11, 2013
14. Correspondence

Rob Eldridge

13th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

3748 West Lake Calhoun Parkway

FILE NUMBER

BZZ-7330

**PROJECT NARRATIVE – VARIANCE APPLICATION
3748 CALHOUN PARKWAY W
Minneapolis, Minnesota**

A.K.A.R.E. Companies, LLC is proposing to construct a new single-family home at 3748 Calhoun Parkway W. In order to construct the new single-family home two variances were required:

1. Front yard setback variance
2. Development within 40 ft of top of steep slope and construction of a walkway/stairs on a steep slope

Project Description:

The site is approximately 45' in width and 93' in depth. There was very small home on the parcel that was removed in order to allow for the new construction.

The previous home at 3748 Calhoun Parkway W was only accessible via wooden steps located along the rear property of 3750 Calhoun Parkway W connecting to the sidewalk along Upton Ave S. A driveway easement has been recorded to allow for 3748 Calhoun Parkway W to have driveway access via a shared driveway with 3750 Calhoun Parkway W with access to Upton Ave S.

Variance Request – Front Yard Setback Variance:

A front yard setback variance is being requested in order to accommodate construction of the new single-family home. City code requires a front yard setback of 25' or an increased setback if the neighboring parcels exceed the front yard setback of 25'. The front yard setback variance being requested ranges from 5' 1.5" on the west side to 6'8" on the east side. In support of this request, A.K.A.R.E. Companies, LLC. offers the following comments:

1. The unique size of the smaller lot creates a practical difficulty in designing a home that meets all the city requirements. Strict adherence to the City's front yard setback requirement limits the lot to a very small buildable area, the home we are proposing is modestly sized (1,644 sq footprint w/garage) and a reasonable request for the size of the lot. Another practical difficulty for the lot is the location of the existing home at 3750 Calhoun Parkway W, having a unique front yard setback of 37'3". Knowing the existing property owner of 3750 Calhoun Parkway W also intends to rebuild on their property the existing setback will no longer be relevant. The unique size of the lot and location of the neighboring home are conditions that were not created by the applicant.
2. Construction of a modestly sized home will keep with the spirit and intent of the applicable ordinance and is a reasonable use for the lot.

3. Removing and rebuilding one new single-family home will not alter the essential character of the neighborhood or be injurious to the use and enjoyment of neighboring parcels. It will not cause a noticeable increase in traffic congestion. The proposal will not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby properties.

Shoreland Overlay District:

1. Best management practices will be use for erosion and sediment control to prevent degradation of surface water.

2. The new structure is be about 380' from the closest part of Lake Calhoun. Calhoun Park is located between the lake and the home. This area contains a public street, parking lot, paths/trails and number of trees. The view from the lake will mainly be of the parkway. While the proposed house will be visible it will be consistent with the neighboring homes.

3. Tearing down old home and building the new home did not alter the type, uses or number of watercrafts on Lake Calhoun.

Variance Request Steep Slope:

A variance to allow for construction within 40' of the top of a steep slope and construction of a walkway and stairs within a steep slope is needed to accommodate construction of the new single-family home. In support of this request, A.K.A.R.E. Companies, LLC offers the following comments:

1. The location and topography of the lot is unique to this parcel. The fact that the steep slope extends into the lot is a practical difficulty, if the 40' setback were maintained the property would be left with very little buildable area. A portion of the previous home was currently located within 40' of the top of the steep slope. Additionally, city code requires the principal entrance to be connected to the public sidewalk by an impervious walkway (and shall include stairs where needed) it is a practical difficulty that our walkway must go through the steep slope area. Permission is also being requested from the Park Board to allow for walkway within Calhoun Parkway. The applicant did not create the steep slope issue.

2. Construction of modestly sized home within 40' of the top of the steep slope and construction of a walkway and steps with in the steep slope is a reasonable request and will keep with the spirit and intent of the applicable ordinance, because as mentioned above the walkway is required by the ordinance.

3. The foundation and underlying material shall be adequate for the slope condition and soil type. The development shall present no danger of falling rock, mud, uprooted trees or other materials. The view of the developed slope shall be consistent with the natural

appearance of the slope and with the surrounding physical content. The proposal will not alter the essential character of the neighborhood and it will not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby properties. In fact the sidewalk will increase the health and safety for the future residents of the home. The walkway entrance from the sidewalk may be the best option for emergency workers to locate the home, as it will not be obvious that the driveway is accessed from Upton Ave.

Shoreland Overlay District:

1. Best management practices will be use for erosion and sediment control to prevent degradation of surface water.

2. The new structure is about 380' from the closest part of Lake Calhoun. Calhoun Park is located between the lake and the home. This area contains a public street, parking lot, paths/trails and number of trees. The view from the lake will mainly be of the parkway. While the proposed house will be visible it will be consistent with the neighboring homes.

3. Tearing down old home and building the new home did not alter the type, uses or number of watercrafts on Lake Calhoun.

Statement of Proposed Use and Description of the Project:

A.K.A.R.E. Companies LLC (owner of the property) is reapplying for a variance at 3748 W Calhoun Parkway, Minneapolis (PID #0502824430011). The structure is a single family home which has recently been completed. During the construction of the home it was necessary for two trees to be removed on the slope of our front yard in order to install a new stairwell down to Calhoun Parkway.

These trees were part of conditions in two past variances that were approved by the city back in November of 2013. The variances were submitted and received by a previous owner of the property. Two of the old variances dealt with the trees in question, these two variances were approved. There was a previous third variance that was applied for, but it was denied and did not have stipulations that dealt with the trees in question. Since the trees have been removed, the old variances are null and void and we are reapplying. We are working with the Park Board in determining the solution to move forward.

Below is a copy of the old approved variances that we are reapplying for:

B. Variance: to reduce the required front yard setback along West Lake Calhoun Parkway from the setback established by connecting a line between two adjacent neighbors from approximately 34 feet to 23 feet (for the structure) and from 34 feet to 3 feet (for a retaining wall) for property located at 3748 West Lake Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District.

Action: The Board of Adjustment adopted staff findings and **approved** the variance to reduce the front yard setback as established by the line connecting the front of the adjacent dwellings along West Lake Calhoun Parkway from approximately 34 feet to 26 feet to allow for a new single-family dwelling and from approximately 34 feet to 20 feet for a ground level patio which shall not exceed the width of the principal structure located at 3748 West Lake Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. Approval of the project will require the applicant to complete the City's administrative site plan review process and obtain any approvals required by outside agencies, including but not limited to the Minneapolis Park and Recreation Board, and the Public Works department prior to issuance of building permits.
2. The applicant shall submit a landscaping plan clarifying the impact of development on existing vegetation on the subject property and in the area between the front lot line and West Lake Calhoun Parkway.
3. The Applicant shall provide a tree protection plan authored by a licensed arborist to assess the potential preservation of any trees over 10" diameter at breast height (4.5 feet above grade, on or offsite) that may be affected by the proposed development.
4. CPED staff shall review and approve the final site, landscaping, building and elevation plans prior to the issuance of building permits.
5. All site improvements shall be completed by June 20, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

C. Variance: to allow for development on or within 40 feet of the top of a steep slope for property located at 3748 West Lake Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District.

Action: The Board of Adjustment adopted staff findings and approved the variance to permit development on a steep slope or bluff or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District to allow for a new single-family dwelling and ground level patio located at 3748 West Lake Calhoun Parkway, subject to the following conditions of approval:

1. The principal structure shall comply with a 26' setback from the front lot line, as established by adjacent development to the west.
2. A ground level patio shall comply with a 20' setback from the front lot line, as established by adjacent development to the west.
3. The applicant shall complete the City's administrative site plan review process.
4. The applicant shall obtain approval of an encroachment permit for the walkway access to West Lake Calhoun Parkway from the Minneapolis Park and Recreation Board prior to issuance of building permits.
5. The applicant shall provide a landscape plan that clarifies how the view of the property from Lake Calhoun will be consistent with pre-development conditions to the extent practical.
6. The Applicant shall provide a tree protection plan authored by a licensed arborist to assess the potential preservation of any trees over 10" diameter at breast height (4.5 feet above grade, on or offsite) that may be affected by the proposed development.
7. CPED staff shall review and approve the final site, landscaping, building and elevation plans prior to the issuance of building permits.
8. All site improvements shall be completed by June 20, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Department of Community Planning and Economic Development
Variances
BZZ-6058

Date: June 20, 2013

Applicant: Jolene Schmelzer, Lakewest Development, 952-653-2193

Address of Property: 3748 West Lake Calhoun Parkway

Contact Person and Phone: Jolene Schmelzer, 952-653-2193

CPED Staff and Phone: Robb Clarksen, (612) 673-5877

Date Application Deemed Complete: May 16, 2013

End of 60 Day Decision Period: July 15, 2013

Ward: 13 Neighborhood Organization: Linden Hills Neighborhood Council

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

Proposed Use: New single-family dwelling with attached garage

Concurrent Review:

- A variance to reduce the front yard setback as established by the line connecting the front of the adjacent dwellings along West Lake Calhoun Parkway from approximately 34 feet to 23 feet (for the structure) and 3 feet (for a 440 square foot patio and retaining wall that raises adjacent natural grade by 3 feet).
- A variance to increase the maximum permitted Floor Area Ratio permitted in the Residential zoning districts from approximately 0.59 to approximately 0.7.
- A Variance to permit development on a steep slope or bluff or within 40 feet of the top of a steep slope in the 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 subject property is currently zoned R1 Single Family District, and is also within the SH Shoreland overlay district. The property consists of a lot roughly 45' by 93' in dimension, for a total of 4,214 square feet, and it is generally rectangular in shape, and is improved with a one story single-family dwelling built in 1900. The property fronts on West Lake Calhoun Parkway across from the south shore of Lake Calhoun. This section of the Parkway includes large boulevards along either side of the sidewalk abutting the front of the property. The interior boulevard (abutting the front lot line) is

CPED Planning Division Report
BZZ – 6058

currently undeveloped and hosts vegetation that shields the site of the existing dwelling from the Lake to the north.

The applicant proposes to demolish the existing dwelling and construct a new 2-story single-family dwelling with an attached garage at the rear of the lower level. In addition to the applications addressed by this report, the project is subject to Administrative Site Plan review for 1-4 unit developments. Staff has completed an initial evaluation and determined the proposed design complies with the spirit of design aspects of the site plan regulations such as windows and exterior materials. Currently, there is no vehicular access to the site. Access to Upton Avenue South will be achieved across a 14 foot easement at the rear of the adjacent parcel, subject to the approval an encroachment permit by the Public Works department. An application for an encroachment permit has been submitted to the Minneapolis Park and Recreation Board (MPRB) to consider the proposed walkway connecting the new structure to West Lake Calhoun Parkway at the front of the site. CPED staff does not anticipate approval of the encroachment permit prior to the June 20 public hearing, and recommends a condition of approval related to the completion of this review.

The project requires three land use applications before development may proceed. The R1 zoning district has a minimum 25 foot setback. In the case of existing developments that exceed the minimum standard, a line is drawn from the corner of the dwellings on adjacent properties to inform the required setback on the subject site. In this case, the existing home at 3746 West Lake Calhoun Parkway is set back approximately 26' feet, while the setback for the home at 3750 ranges from 37'6" to 39'3" to the front lot line. The established front yard setback, as increased by development adjacent to this property is approximately 34 feet. The applicant is requesting to reduce the setback to approximately 23 feet to allow the construction of the dwelling and approximately 3 feet to allow a retaining wall and patio in the front setback. Given the size of the patio and the fact the retaining walls do not retain natural grade, these features are not considered permitted obstructions as described in Chapter 535 of the zoning code.

The residential zoning districts establish a maximum Floor Area Ratio requirement of .5 or 2,500 square feet, whichever is greater. Floor area ratio calculations compare the size of the finished floor area of a dwelling to the size of the parcel of land. The subject property is 4,214 square feet in area. Therefore, while the size of the lot would provide for a maximum floor area of 2,107 square feet, the ordinance allows homes up to 2,500 square feet on parcels smaller than 5,000 square feet. The project involves a two story home with a finished basement and attached garage. The finished floor area of the main (1,352) and upper (1,310) levels total 2,662 square feet. The zoning code allows for up to 250 square feet of attached garage floor area to be excluded, adding 262 additional square feet to the floor area, for a total of 2,924 square feet, or an FAR of approximately .7. Thus, the applicant seeks a variance to add 424 square feet of floor area.

Finally, the SH Shoreland Overlay District defines a steep slope as land having an average slope of 18 percent or greater measured over a horizontal distance of 50 feet or more. A variance is required for all development on or within forty (40) feet of the top of a steep slope. While the majority of the site is relatively flat, the top of a steep slope exists near the 869 elevation contour, which generally follows the front lot line. The proposed home will be no further than 25' from the top of the steep slope as estimated by CPED staff. The applicant proposes to construct the new dwelling approximately 23 feet from the front lot line, and build a backfilled retaining wall that raises the adjacent grade of the front yard nearly three feet as shown on the site plan. As proposed, the project does not meet the Shoreland district

CPED Planning Division Report
BZZ – 6058

setback regulations regarding development at or near the top of a steep slope which has led to the variance request.

CPED Staff has received correspondence from the Linden Hills Neighborhood Association, which does not oppose the variance as indicated in a letter attached to this report.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the front yard setback as established by the line connecting the front of the adjacent dwellings along West Lake Calhoun Parkway from approximately 34 feet to 23 feet (for the structure) and 3 feet (for a 440 square foot patio and retaining wall that raises adjacent natural grade by 3 feet).

- 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 seeks a variance to reduce the established front yard setback from approximately 34 feet to 23 feet (for the dwelling) and to 3 feet (for a 440 square foot patio and retaining wall that raises adjacent natural grade by 3 feet) to construct this project as proposed. The applicant indicates “the size of the parcel creates a practical difficulty in designing a home that meets all city requirements”. CPED staff agrees that some of the circumstances upon which the variance is requested are unique to the parcel of land, and were not created solely by the actions of the applicant. For instance, the neighboring home at 3750 West Lake Calhoun Parkway is located nearly 15-20 feet further from the front lot line than existing development along the Parkway to the west. The subject site is a relatively small parcel of land that does not currently enjoy direct vehicular access to a public right of way. The applicant has designed the project to include an attached garage at the rear of the site, and secured an easement for access to Upton Avenue that make it difficult to locate the proposed home further south on the property – thus limiting the ability to provide the necessary front yard setback. The proposed building will be located 6 feet from the south property line, providing for the largest front yard possible given the footprint of the home. In consideration of these issues, CPED staff believes it may be reasonable to allow development on the subject site to follow the existing setback of the improvements to the west. However, the applicant proposes to reduce the setback even further to allow the project as designed. Notably, portions of the front of the principal structure will extend approximately 3 feet forward (closer to the front lot line) of the house at 3746 West Calhoun Parkway. Furthermore, a retaining wall and patio are shown on the site plan that do not meet the threshold of a permitted obstruction as described in the general regulations (Chapter 535) of the zoning code. These circumstances have been created by the applicant due to the design of the project. CPED staff is concerned the proposed development conflicts with the intent of the setback regulations to preserve a consistent pattern of development along the street frontage.

In their written statement, the applicant also makes reference to the reduction of the established front yard setback upon the potential redevelopment of the adjacent residential site at 3750 West Lake Calhoun Parkway. However, the setback on this site is primarily determined by the location of the development on the subject property. It would not be appropriate for the City to grant a

CPED Planning Division Report
BZZ – 6058

variance for the proposed use based on speculation as to the permitted location of future development on adjacent properties.

- 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 purpose of setbacks and yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of principal and accessory uses/structures. The applicant seeks a variance to reduce the established front yard setback from approximately 34 feet to 23 feet (for the dwelling) and 3 feet (for a 440 square foot patio and retaining wall that raises adjacent natural grade by 3 feet) to construct this project as proposed. The proposed residence is a two story dwelling with an attached two stall garage. In their statement, the applicant notes the limited area of the subject property and the modest size of the building footprint (1644 square feet), presumably relative to other development along Lake Calhoun Parkway. While CPED staff believes it may be reasonable to allow development on the subject site that follow the existing setback of the improvements to the west, the applicant proposes to reduce the setback even further with this design. Notably, portions of the front of the principal structure will extend 3 feet nearer to the front lot line than the house at 3746 West Calhoun Parkway. A retaining wall and 440 square foot patio are shown on the site plan that do not meet the threshold of a permitted obstruction as described in the general regulations (Chapter 535) of the zoning code, and these improvements would be prohibited unless the request is granted.

The project is also located within the Shoreland overlay district which restricts development within 40 feet of the top of a steep slope. The proposed retaining walls, alterations to grade, and portions of the patio in the front setback area will encroach upon the top of the steep slope as estimated by CPED staff. Such development is inconsistent with the spirit and intent of the ordinance, and does not reflect the character of adjacent treatments of the steep slope observed at other points along West Lake Calhoun Parkway. CPED staff is concerned the proposed development conflicts with the spirit and intent of the setback regulations to preserve a consistent pattern of development along the street frontage. Staff believes the 440 square foot patio, the retaining walls, and alterations to grade made in the front yard exceed the threshold of a reasonable use in related to obstructions front yard for a property in the Shoreland district.

- 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 front yard setback variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. However, CPED staff is concerned that granting the setback variance would negatively impact the essential character of the locality, and that permitting the development as proposed could prove injurious to the use or enjoyment of other property in the vicinity. The proposed dwelling and accessory uses reduce the established setback in a manner that is inconsistent with existing patterns of

CPED Planning Division Report
BZZ – 6058

development in regard to the location of principal and accessory structures, especially to the west of the subject property along West Calhoun Parkway.

VARIANCE: to increase the maximum permitted Floor Area Ratio permitted in the Residential zoning districts from approximately 0.59 to approximately 0.7.

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 seeking a variance to increase the maximum Floor Area Ratio in the Residential zoning districts from .59 to .7 to allow for the construction of a new single family dwelling with attached garage. The subject parcel measures roughly 45 x 92 for 4,200 square feet, which is small compared with typical lots in R1 zoning district. For reference, the current minimum lot dimensions require 6,000 square feet and 50 feet in width in the R1 district. Additionally, the property lacks access from West Lake Calhoun Parkway, it is not served by a public alley, and will require an easement to obtain access to Upton Avenue South to the east of the site. Development on the property is limited by the imposition of increased setbacks resulting from the location of development on the adjacent property, and the development's position at the top of a steep slope near the front lot line. All of these are circumstances that were not created by the applicant or any current interest in the property. However, CPED staff believes the circumstances upon which the FAR variance is requested conflict with the character of the neighborhood and the unique history of development in the area, as the average FAR for properties on this block is 39%. Staff is concerned the request for the variance may be in the interest of the property owner as reasonable use of the property can be obtained by constructing a smaller home to ensure an FAR that is more consistent with development in the immediate area.

Floor Area Ratios near 3748 West Lake Calhoun Pkwy			
Property Address	Total Floor Area Less BSMT	Henn Cty Lot Area	Floor Area Ratio
3750 W Calhoun Pkwy	936	3156	30%
3748 W Calhoun Pkwy	798	4042	20%
3746 W Calhoun Pkwy	2664	4098	65%
3744 W Calhoun Pkwy	3576	6029	59%
3742 W Calhoun Pkwy	3688	8121	45%
3711 Vincent Ave S	1024	5911	17%
3715 Vincent Ave S	1051	4970	21%
3717 Vincent Ave S	2636	6333	42%
3708 Upton Ave S	3308	6177	54%
3714 Upton Ave S	3295	5840	56%
3720 Upton Ave S	1382	7357	19%
<i>Proposed FAR -3748 W Calhoun Pkwy (Adjusted for size of garage)</i>			
	2868	4042	70%
<i>Average FAR for Block 2, "Cottage City"</i>			
			39%

CPED Planning Division Report
BZZ – 6058

The subject property was originally developed as part of the "Cottage City" addition at the turn of the Century, as a summer retreat for the upwardly mobile residents of the City prior to the advent of the automobile. The block on which the subject parcel is located upon includes 11 parcels of land that reflect a blended variety of architectural styles. Of those 11 properties, the maximum Floor Area Ratio requirement is met in 7 cases, including the current improvements on the subject site. Of the four parcels that exceed the maximum FAR requirement, the calculations range from 54-65%. The subject property is uniquely positioned between a small turn of the century cabin (3750 to the east) and a larger home to the west which was built in 1900. This property (3746) underwent a contemporary renovation in 1981 that added a second floor to the building, a permit for this addition appears in the attachments to this report. Coincidentally, 3746 West Lake Calhoun Parkway is the only house on the block which exceeds an FAR of 0.6. Thus, it appears that one of the unique circumstances impacting the redevelopment of the subject site is the juxtaposition of recent renovations and original development. The City adopted the maximum floor area ratio requirement of 0.5 the lot area in 2007, long after many homes in the area were constructed in excess of the maximum permitted Floor Area Ratio. CPED staff is concerned the proposed development exceeds the threshold of what may be a reasonable reuse of the subject property.

- 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 a variance to increase the maximum Floor Area Ratio in the Residential zoning districts from .5 to .7 to allow for the construction of a new single family dwelling with attached garage. The purpose of the Floor Area Ratio requirements is to control for consistency in terms of the size of building envelopes and building bulk. The adjacent use to the east is an existing single-family dwelling that is similar in size with current development on the subject site. The adjacent use to the west is a much larger structure, the only one on the block with an FAR of greater than 0.6.

Staff finds that the applicant's proposal goes beyond what constitutes a reasonable use of the property in question. The zoning regulations do not prevent the applicant from constructing a larger residence to replace the existing dwelling, but the regulations do establish a framework that sets an upper limit on the size of the redevelopment. In fact, the applicant can nearly triple the finished floor area of the existing home and remain in compliance with maximum floor area ratio

- 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 is concerned that granting this variance may negatively impact the character of the area, effectively reducing the extent to which neighboring property owner's may use or enjoy other properties in the area. The adjacent use to the east is an existing single-family dwelling that is

CPED Planning Division Report
BZZ – 6058

similar in size with current development on the subject site. The adjacent use to the west is a much larger structure, the only one on the block with an FAR of greater than 0.6. Staff finds that the applicant's proposal goes beyond what constitutes a reasonable use of the property in question. CPED finds that the variance would not have further impacts on the health, safety, or welfare of the general public if it were granted.

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 property is currently developed with a one story single-family dwelling. The existing home on the subject site is located within 40 feet of the top of the steep slope, which runs parallel to, and within 3 feet of the front lot line. The project is located within the Cottage City subdivision, and there are 10 other homes on this block, as well as other single family residences within 500 feet of the proposed 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. The applicant will make significant alterations to grade through the construction of retaining walls and shoring to create access via the 14' easement across the rear of the adjacent property. At the front of the site, along West Lake Calhoun Parkway, the applicant will construct a walkway to provide a footpath connection down the steep slope towards Lake Calhoun and the Parkway right of way. The Minneapolis Park and Recreation Board (MPRB) is currently reviewing an application for an encroachment permit regarding this aspect of the proposed development. Approval of the project will rely on conditions related to acquiring any permit necessary to comply with other agency regulations, such as MPRB and the Minnehaha Creek Watershed District, or others.

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

The project area is currently developed and the foundation and underlying material will be adequate for the slope condition and soil type. The applicant will make significant alterations to grade through the construction of retaining walls and shoring to create access via the 14' easement across the rear of the adjacent property. At the front of the site, along West Lake Calhoun Parkway, the applicant will construct a walkway to provide a footpath connection down the steep slope towards Lake Calhoun and the Parkway right of way. The Minneapolis Park and Recreation Board (MPRB) is currently reviewing an application for an encroachment permit regarding this aspect of the proposed development. A condition of approval, if approved, will require the applicant obtain all necessary permits from outside agencies (such as the MPRB and the Minnehaha Creek Watershed District) as required to complete the project prior to the issuance of building permits. Additionally, the applicant shall provide an erosion control plan

CPED Planning Division Report
BZZ – 6058

outlining measures to ensure that there is no present danger of falling rock, mud, uprooted trees or other materials. Finally, the applicant shall submit a landscaping plan that clarifies any mature trees to be impacted by the development, and a mitigation plan that ensures sensitivity with respect to the urban forest.

- 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 is located within 40 feet of the top of a steep slope in the SH Shoreland overlay district. The subject site includes at least 9 mature trees in the front and back yards. Additionally, the Minneapolis Park and Recreation Board property at the front of the site consists of a wooded slope, and approximately 20 feet of turf adjacent to West Lake Calhoun Parkway. Based upon the information provided by the applicant to date, it is unclear exactly which trees will remain and which will be lost to the development on both the subject property and in the Park Board Right of Way. The applicant shall submit a landscaping plan to clarify the impact of development on the existing vegetation of the property and the surrounding area to better illustrate that the view of the property from Lake Calhoun will be consistent with pre-development conditions to the extent practical.

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 subject property is zoned R1 Single Family Residential and it is located in the SH Shoreland Overlay District. The SH Shoreland Overlay District is intended to preserve the environmental quality of shoreland areas in the city in accordance with state law and to protect the public health, safety and welfare. The project involves the replacement of an existing 1900s era single family residence with a new 28 by 42 foot two-story residence with an attached garage at the rear of the site. The proposed development falls within 40 feet of the top of a steep slope that runs along the front lot line, thus the project requires a variance.

The circumstances upon which the variance is requested are unique to the parcel of land due to the small size of the parcel, the presence of the steep slope, and the impact of the location of adjacent development on the subject site. The property is undersized when compared with standard lots in the R1 zoning district, which require 6,000 square feet of lot area and 50' width. The presence of the steep slope, the small size of the parcel, and the location of adjacent dwelling all reduce the buildable area of a property, creating the practical difficulty described in the applicant's written narrative. CPED staff agrees that a single family use is consistent with development in the immediate surroundings, and constitutes a reasonable request. While the applicant is not responsible for the small area of the subject site or the position of the dwellings on adjacent parcels, the applicant has the option to design a home that meets the setback requirements, and at least in this respect the design choices create the need for a variance. Furthermore, the project includes a series of retaining walls that raise the front yard

CPED Planning Division Report
BZZ – 6058

approximately 3 feet above natural grade, and a large patio between the principal structure and the front lot line. CPED staff believes these aspects of the project could be reduced in scale or projection into the setback and still provide a reasonable use of the property.

- 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 project involves the replacement of an existing 1900s era single family residence with a new two-story residence and attached garage. The proposed development is located in the Shoreland overlay district and within 40 feet of the top of a steep slope that tops out near the front lot line, thus the project requires a variance. The circumstances upon which the variance is requested are unique to the parcel of land due to the small size of the parcel, and the location of the steep slope, which further reduces the buildable area of a property that is already undersized in regard to the R1 district standards, which normally require 6,000 square feet and 50' width.

The Shoreland Overlay District regulations are intended to protect natural features from the potential negative impacts of development. The proposed single-family dwelling does not change the existing land use, and should not introduce additional negative impacts. A single family dwelling is consistent with development of the surrounding properties, and is a reasonable use. However, the proposal also adds a series of retaining walls that alter the natural grade of the front yard, and a 440 square foot patio between the principal structure and the front lot line. CPED staff does not believe these alterations are necessary to provide reasonable use in the Shoreland overlay district.

- 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 and the construction of a new principal residential structure (a single-family dwelling) in a neighborhood full of single-family dwellings is consistent with the character of the locality and the spirit and intent of the ordinance. The proposed house would meet the requirements for height (2 stories). The applicant has also requested a variance related to the proposed floor-area ratio (.70) which exceeds the maximum size requirements of the zoning code. Staff does not anticipate that granting the variance will lead to additional congestion of the public streets, danger of fire, or detriment to the public safety and welfare.

The Shoreland regulations are established to protect surface waters and shoreland areas from erosion and to encourage the retention of native and mature vegetation. The applicant will be required to obtain erosion and sediment control permits prior to the issuance of building permits, and no issues are anticipated regarding erosion. However, CPED staff is concerned the retaining walls and grade alterations needed to accommodate the proposed patio are inconsistent with the zoning regulations and may negatively impact the essential character of the area.

CPED Planning Division Report
BZZ – 6058

The Shoreland district regulations (Ch. 551.520) are also established to protect natural features within the boundary of the district. The site and landscaping plans lack detail or clarity with respect to whether the project will result in the removal of a number of mature trees on the property, and how the proposed development may affect mature trees on adjacent properties. The applicant proposes to construct a driveway to access the project. CPED staff is concerned this access may damage the root structure of existing trees located just off the property, particularly near the southeast corner of the lot where a 24" Elm exists. If the Board of Adjustment acts to grant the variances, Staff has included several conditions intended to mitigate the loss of mature vegetation associated with the development.

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.

Erosion control permits will be reviewed and issued before any work may begin on the subject property to ensure against any soil erosion or pollution problems related to the proposed development, during and after construction. Alterations to the subject property shall be mitigated by erosion control best management practices, and should not adversely affect the water quality of Lake Calhoun or the Minneapolis chain of lakes.

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

The existing dwelling on the subject site is currently hidden behind substantial vegetation which exists primarily on the steep slope and beyond the applicants' front lot line along the West Lake Calhoun Parkway right of way, in an area managed by the Minneapolis Park and Recreation Board. CPED staff has requested greater detail as to how the applicant intends to change this vegetation. The project includes the construction of a walkway intended to connect the new dwelling to West Lake Calhoun Parkway. In order to accomplish this, the applicant would need to remove existing vegetation and travel down the steep slope, and cross the interior boulevard to reach the sidewalk. The applicant has indicated an encroachment permit is currently under review by MPRB, but action may not be taken on this request until after the June 20, 2013 public hearing regarding this application. Staff believes that the visibility of the new two story residence from the lake will be extremely limited by distance, and the existing topography and vegetation on the steep slope, provided it is not significantly altered by development. Although no landscaping plan has been submitted at this time, the site plan appears to indicate as many as 8 mature trees could be removed from the site to accommodate the development as proposed. The site plan fails to show how heavily wooded the slope in front of the property is, leaving the impact of the construction of the walkway unclear. To mitigate the impacts of the development upon existing vegetation, Staff has conditioned the approval to require the preservation of as many trees as practical on both the slope and the subject site.

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

CPED Planning Division Report
BZZ – 6058

The project is located across West Lake Calhoun Parkway from the south shore of the lake. The redevelopment of the subject property will not provide any access to a protected water body, thus the project should have no impact on watercraft usage on Lake Calhoun.

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 staff findings and **approve** the variance to reduce the front yard setback as established by the line connecting the front of the adjacent dwellings along West Lake Calhoun Parkway from approximately 34 feet to **26 feet** to allow for a new single-family dwelling and from approximately 34 feet to **20 feet for a ground level patio which shall not exceed the width of the principal structure** located at 3748 West Lake Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. Approval of the project will require the applicant to complete the City's administrative site plan review process and obtain any approvals required by outside agencies, including but not limited to the Minneapolis Park and Recreation Board, and the Public Works department prior to issuance of building permits.
2. The applicant shall submit a landscaping plan clarifying the impact of development on existing vegetation on the subject property and in the area between the front lot line and West Lake Calhoun Parkway.
3. The Applicant shall provide a tree protection plan authored by a licensed arborist to assess the potential preservation of any trees over 10" diameter at breast height (4.5 feet above grade, on or offsite) that may be affected by the proposed development.
4. CPED staff shall review and approve the final site, landscaping, building and elevation plans prior to the issuance of building permits.
5. All site improvements shall be completed by June 20, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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 staff findings and **deny** the Variance to increase the maximum permitted Floor Area Ratio permitted in the Residential zoning districts from approximately .59 to approximately .7 to allow for a new single-family dwelling located at 3748 West Lake Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District.

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 staff findings and **approve** the variance to permit development on a steep slope or bluff or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District to allow for a new single-family dwelling and ground level patio located at 3748 West Lake Calhoun Parkway, subject to the following conditions of approval:

CPED Planning Division Report
BZZ – 6058

1. The principal structure shall comply with a 26' setback from the front lot line, as established by adjacent development to the west.
2. A ground level patio shall comply with a 20' setback from the front lot line, as established by adjacent development to the west.
3. The applicant shall complete the City's administrative site plan review process.
4. The applicant shall obtain approval from the Minneapolis Park and Recreation Board prior to issuance of building permits.
5. The applicant shall provide a landscaping plan shall clarify how the view of the property from Lake Calhoun will be consistent with pre-development conditions to the extent practical.
6. The Applicant shall provide a tree protection plan authored by a licensed arborist to assess the potential preservation of any trees over 10" diameter at breast height (4.5 feet above grade, on or offsite) that may be affected by the proposed development.
7. CPED staff shall review and approve the final site, landscaping, building and elevation plans prior to the issuance of building permits.
8. All site improvements shall be completed by June 20, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments

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

Minneapolis Zoning Board of Adjustment Actions

Regular Meeting
4:30 p.m., Thursday, June 20, 2013
Room 317, City Hall
350 South Fifth Street
Minneapolis, MN 55415-1385

Board Membership: Sean Cahill, Matt Ditzler, John Finlayson, Eric Johannessen, Pam Meier, Dan Ogiba, Matt Perry, Dick Sandberg, and Ami Thompson

Committee Clerk: Diana Armstrong, 612.673.2615

Board members absent: Pam Meier

The meeting was called to order at 4:35 p.m.

Minutes were approved for the meeting held on June 6, 2013

Public Hearings

Introduction to the Public Hearing

Public Hearing

1. 3748 West Lake Calhoun Parkway (BZZ #6058, Ward 13) (Robb Clarksen)

A. Variance: Application by Jolene Schmelzer of Lakewest, LLC, for a variance to increase the maximum gross floor area ratio from .5 to approximately .7 for property located at 3748 West Lake Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District.

Action: The Board of Adjustment adopted staff findings and **denied** the variance to increase the maximum permitted floor area ratio permitted in the residential zoning districts from approximately .59 to approximately .7 to allow for a new single-family dwelling located at 3748 West Lake Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District.

Aye: Cahill, Finlayson, Johannessen, Ogiba, Sandberg, Thompson

Nay: Ditzler

Absent: Meier

Motion Passed

B. Variance: Application by Jolene Schmelzer of Lakewest, LLC, for a variance to reduce the required front yard setback along West Lake Calhoun Parkway from the setback established by connecting a line between two adjacent neighbors from approximately 34 feet to 23 feet (for the structure) and from 34 feet to 3 feet (for a retaining wall) for property located at 3748 West Lake Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District.

Action: The Board of Adjustment adopted staff findings and **approved** the variance to reduce the front yard setback as established by the line connecting the front of the adjacent dwellings along West Lake Calhoun Parkway from approximately 34 feet to 26 feet to allow for a new single-family dwelling and from approximately 34 feet to 20 feet for a ground level patio which shall not exceed the width of the principal structure located at 3748 West Lake Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. Approval of the project will require the applicant to complete the City's administrative site plan review process and obtain any approvals required by outside agencies, including but not limited to the Minneapolis Park and Recreation Board, and the Public Works department prior to issuance of building permits.

2. The applicant shall submit a landscaping plan clarifying the impact of development on existing vegetation on the subject property and in the area between the front lot line and West Lake Calhoun Parkway.
3. The Applicant shall provide a tree protection plan authored by a licensed arborist to assess the potential preservation of any trees over 10" diameter at breast height (4.5 feet above grade, on or offsite) that may be affected by the proposed development.
4. CPED staff shall review and approve the final site, landscaping, building and elevation plans prior to the issuance of building permits.
5. All site improvements shall be completed by June 20, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Aye: Cahill, Ditzler, Finlayson, Johannessen, Ogiba, Sandberg, Thompson

Absent: Meier

Motion Passed

C. Variance: Application by Jolene Schmelzer of Lakewest, LLC, for a variance to allow for development on or within 40 feet of the top of a steep slope for property located at 3748 West Lake Calhoun Parkway in the R1 Single-Family District and SH Shoreland Overlay District.

Action: The Board of Adjustment adopted staff findings and **approved** the variance to permit development on a steep slope or bluff or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District to allow for a new single-family dwelling and ground level patio located at 3748 West Lake Calhoun Parkway, subject to the following conditions of approval:

1. The principal structure shall comply with a 26' setback from the front lot line, as established by adjacent development to the west.
2. A ground level patio shall comply with a 20' setback from the front lot line, as established by adjacent development to the west.
3. The applicant shall complete the City's administrative site plan review process.
4. The applicant shall obtain approval of an encroachment permit for the walkway access to West Lake Calhoun Parkway from the Minneapolis Park and Recreation Board prior to issuance of building permits.
5. The applicant shall provide a landscape plan that clarifies how the view of the property from Lake Calhoun will be consistent with pre-development conditions to the extent practical.
6. The Applicant shall provide a tree protection plan authored by a licensed arborist to assess the potential preservation of any trees over 10" diameter at breast height (4.5 feet above grade, on or offsite) that may be affected by the proposed development.
7. CPED staff shall review and approve the final site, landscaping, building and elevation plans prior to the issuance of building permits.
8. All site improvements shall be completed by June 20, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

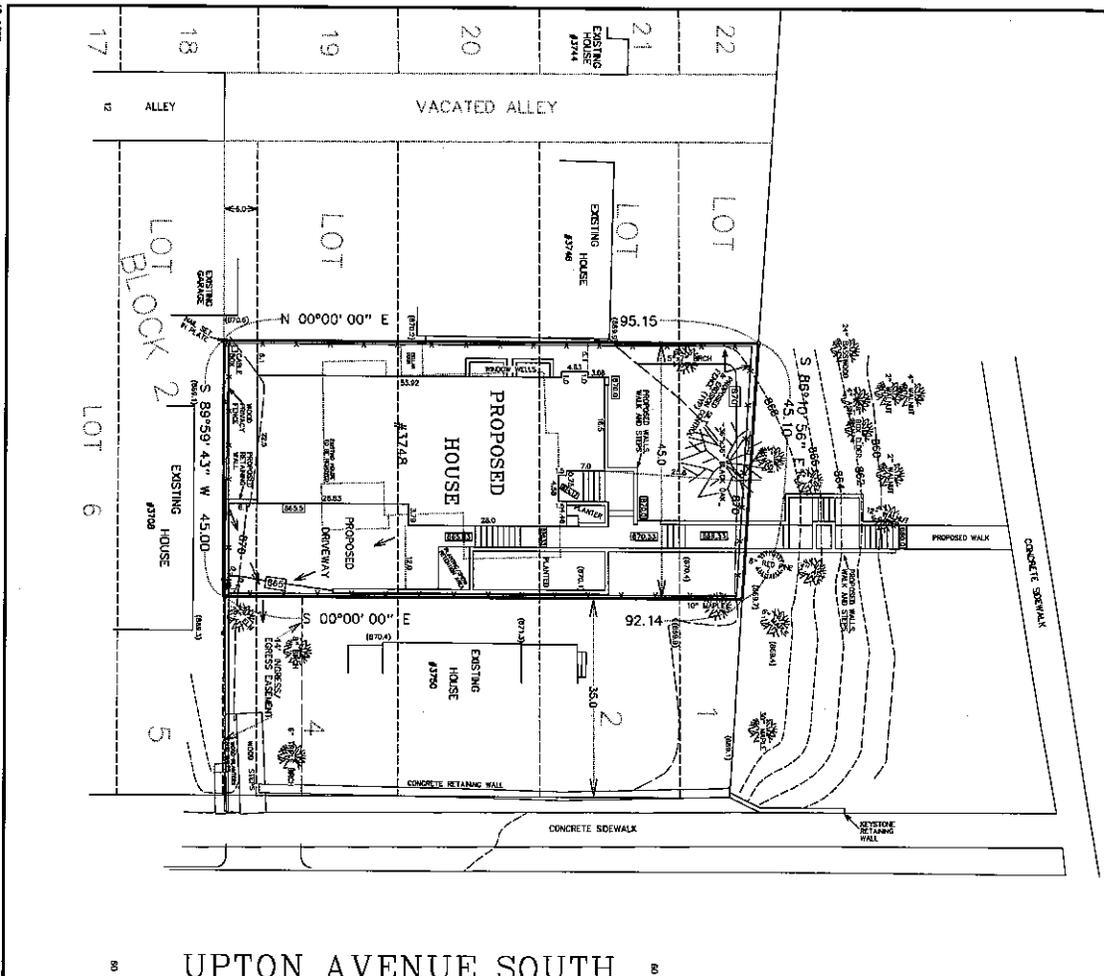
Aye: Cahill, Ditzler, Finlayson, Ogiba, Sandberg, Thompson

Nay: Johannessen

Absent: Meier

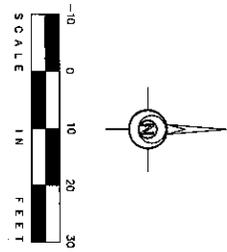
Motion Passed

CALHOUN PARKWAY WEST



UPTON AVENUE SOUTH

CERTIFICATE OF SURVEY FOR
RIDGE CREEK CUSTOM HOMES
 IN BLOCK 2, COTTAGE CITY
 HENNEPIN COUNTY, MINNESOTA



- PROPOSED ELEVATIONS:** (per architect)
- 1) Garage = 85.33
 - 2) First floor subfloor = 82.33
 - 3) Basement = 75.33

IMPERVIOUS SURFACE CALCULATIONS:

Lot area = 4214 Sq. ft.
 Proposed house = 1458 sq. ft.
 Proposed driveway = 587 sq. ft.
 Proposed walk, porch, & steps = 411 sq. ft.
 Window walls = 10 sq. ft.
 Total impervious = 2466 Sq. ft.
 2466 / 4214 x 100 = 58.52%

LEGAL DESCRIPTION OF PARCELS:
 The West 1/4 Sect. 50 East 50 feet of Lots 1, 2, 3 and 4, and the West 1/4 Sect. 50 feet of the East 50 feet of the North 5 feet of Lot 5, all in Block 2, Cottage City.

o : denotes iron marker set
 ● : denotes iron marker found

(899.3) : denotes existing spot elevation, mean sea level datum
 [810.8] : denotes proposed spot elevation, mean sea level datum
 --- 917 --- : denotes existing contour line, mean sea level datum
 --- 853 --- : denotes proposed contour line, mean sea level datum

Bearing shown are based upon an assumed datum.
 This survey intends to show the boundaries of the above described property, and the location of any existing, houses, to be removed, spot elevations, topography, and other features shown on the plan. It does not purport to show any other improvements or encroachments.

REVISIONS	
DATE	REMARKS
8-2-13	PROPOSED HOUSE AT 3740
7-4-13	ADDITIONAL TREE ADDED
12-12-13	PROPOSED HOUSE REVISED

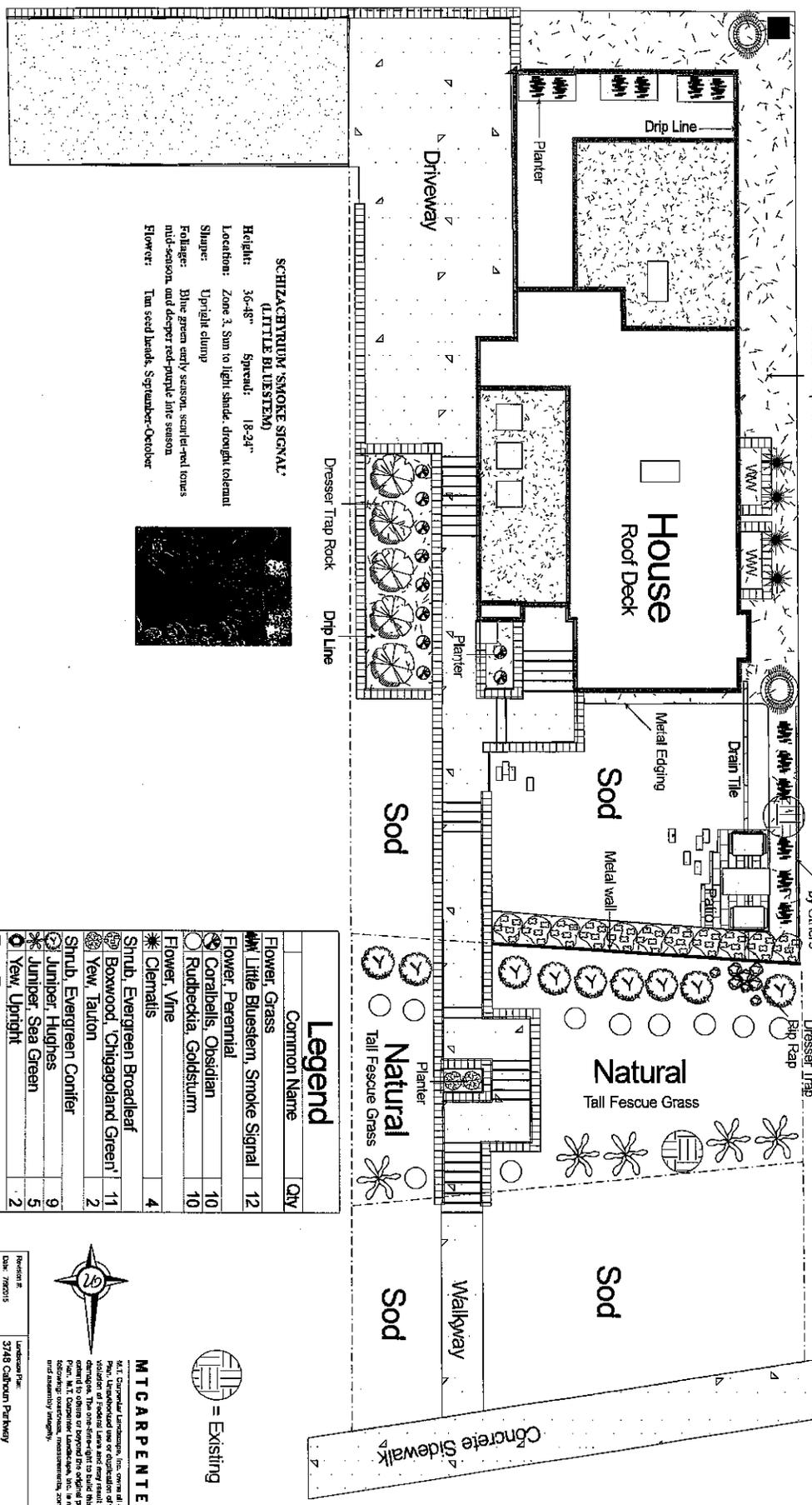
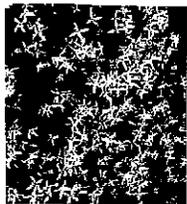
I hereby certify that this survey, plan or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg Minnesota License Number 12785

PROJECT	DATE
	10-16-12
	11-10-12
	12-11-12
	13-1669

GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
 952-473-4141

CLEMATIS PANICULATA
 Height: 20' Spread: 5-10'
 Location: Zone 4, Part shade, rich, well-drained soil
 Shape: Clumping, trailing vine
 Foliage: Green
 Flower: White, fragrant, August-Sept.



SCHIZACHYRIUM 'SMOKE SIGNAL'
 (LITTLE BLUESTEM)
 Height: 36-48" Spread: 18-24"
 Location: Zone 3, Sun to light shade, drought tolerant
 Shape: Upright clump
 Foliage: Blue green early season, scarlet-red tones mid-season, and deeper red-purple late season
 Flower: Tan seed heads, September-October



Plant Name	Qty
Flower, Grass	
Little Bluestem, Smoke Signal	12
Flower, Perennial	
Corallorhiza, Obsidian	10
Rudbeckia, Goldsturm	10
Flower, Vine	
Clematis	4
Shrub, Evergreen Broadleaf	
Boxwood, 'Chigagoland Green'	11
Yew, Laurel	2
Shrub, Evergreen Conifer	
Juniper, Hughes	9
Juniper, Sea Green	5
Yew, Upright	2
Tree, Evergreen	
Alderwild, Holmstrup	5

Revised #	Underway File
DATE: 7/20/15	3748 Colburn Parkway
Scale: 1" = 10'	Underway Office or Author's Office
	M.T. Carpenter Landscape Inc.

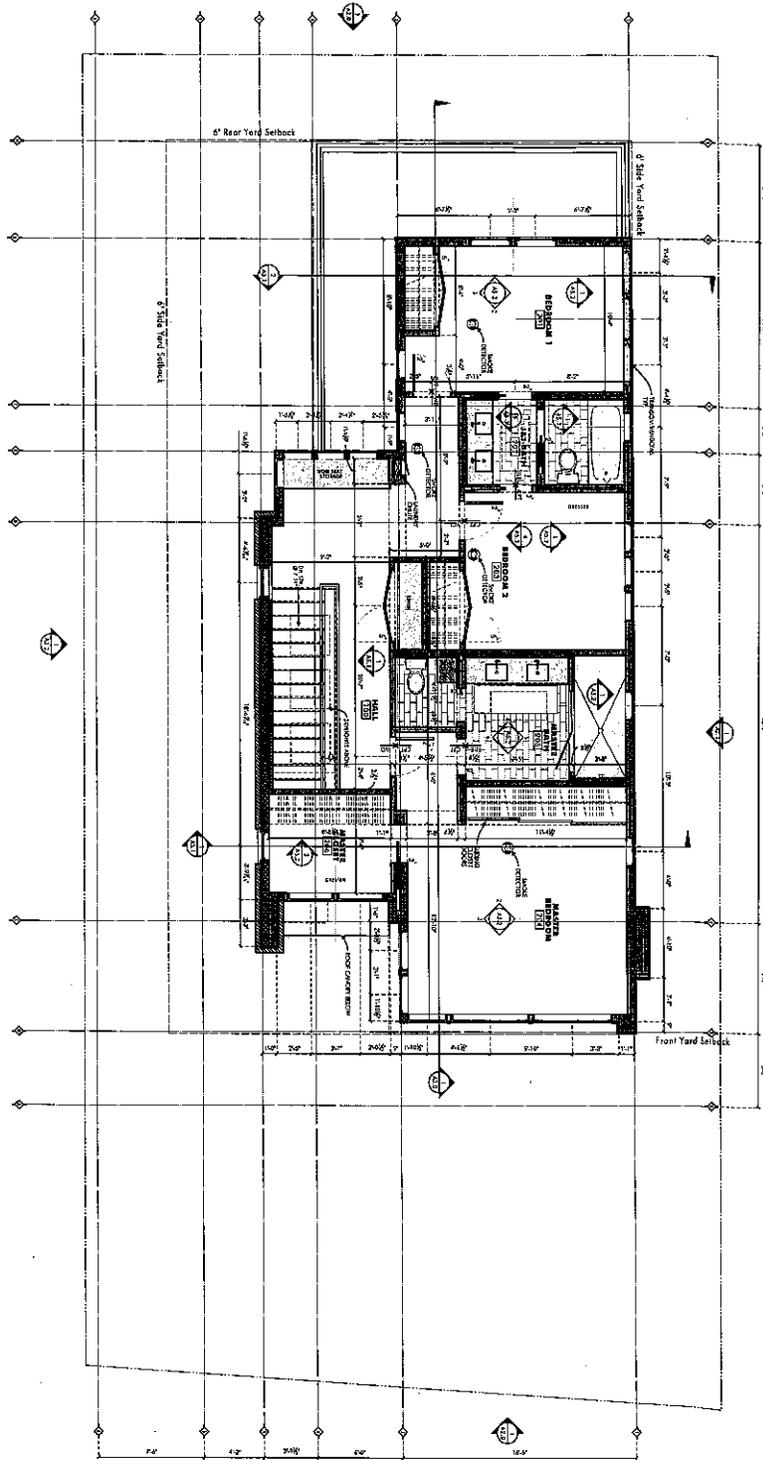


= Existing

MTCARPENTER.COM

M.T. Carpenter Landscape, Inc. owns all copyright in the design and construction of the landscape plan and any other documents or materials prepared in connection with the design. The one-time right to build this plan does not extend to others or beyond the original purchaser of the plan. All other rights are reserved. No warranty is made by M.T. Carpenter Landscape, Inc. regarding the accuracy, completeness, or timeliness of the information contained herein. All drawings are subject to change without notice.

Family owned
WAT HOME GROWN
CARPENTER
 LANDSCAPE, INC.



1 Second Floor Plan

GENERAL NOTES - FLOOR PLANS

FLOOR PLAN NOTES:

- 1. Check dimensions of work on 100% architectural drawings.
- 2. All dimensions are in feet and inches.
- 3. All dimensions are to the centerline of walls unless otherwise noted.
- 4. All dimensions are to the finished surface unless otherwise noted.
- 5. All dimensions are to the centerline of doors unless otherwise noted.
- 6. All dimensions are to the centerline of windows unless otherwise noted.
- 7. All dimensions are to the centerline of stairs unless otherwise noted.
- 8. All dimensions are to the centerline of columns unless otherwise noted.
- 9. All dimensions are to the centerline of beams unless otherwise noted.
- 10. All dimensions are to the centerline of joists unless otherwise noted.
- 11. All dimensions are to the centerline of rafters unless otherwise noted.
- 12. All dimensions are to the centerline of trusses unless otherwise noted.
- 13. All dimensions are to the centerline of roof sheathing unless otherwise noted.
- 14. All dimensions are to the centerline of floor sheathing unless otherwise noted.
- 15. All dimensions are to the centerline of wall sheathing unless otherwise noted.
- 16. All dimensions are to the centerline of ceiling sheathing unless otherwise noted.
- 17. All dimensions are to the centerline of foundation walls unless otherwise noted.
- 18. All dimensions are to the centerline of foundation footings unless otherwise noted.
- 19. All dimensions are to the centerline of foundation slabs unless otherwise noted.
- 20. All dimensions are to the centerline of foundation beams unless otherwise noted.

FINISHES:

- 1. Interior doors & window openings to be 6'-0" high & 3'-0" wide.
- 2. All doors & windows to be double hung.
- 3. All doors & windows to be white.
- 4. All doors & windows to be 1/2" thick.
- 5. All doors & windows to be 1/2" thick.
- 6. All doors & windows to be 1/2" thick.
- 7. All doors & windows to be 1/2" thick.
- 8. All doors & windows to be 1/2" thick.
- 9. All doors & windows to be 1/2" thick.
- 10. All doors & windows to be 1/2" thick.
- 11. All doors & windows to be 1/2" thick.
- 12. All doors & windows to be 1/2" thick.
- 13. All doors & windows to be 1/2" thick.
- 14. All doors & windows to be 1/2" thick.
- 15. All doors & windows to be 1/2" thick.
- 16. All doors & windows to be 1/2" thick.
- 17. All doors & windows to be 1/2" thick.
- 18. All doors & windows to be 1/2" thick.
- 19. All doors & windows to be 1/2" thick.
- 20. All doors & windows to be 1/2" thick.

FLOOR PLAN FINISHES:

- 1. Interior doors & window openings to be 6'-0" high & 3'-0" wide.
- 2. All doors & windows to be double hung.
- 3. All doors & windows to be white.
- 4. All doors & windows to be 1/2" thick.
- 5. All doors & windows to be 1/2" thick.
- 6. All doors & windows to be 1/2" thick.
- 7. All doors & windows to be 1/2" thick.
- 8. All doors & windows to be 1/2" thick.
- 9. All doors & windows to be 1/2" thick.
- 10. All doors & windows to be 1/2" thick.
- 11. All doors & windows to be 1/2" thick.
- 12. All doors & windows to be 1/2" thick.
- 13. All doors & windows to be 1/2" thick.
- 14. All doors & windows to be 1/2" thick.
- 15. All doors & windows to be 1/2" thick.
- 16. All doors & windows to be 1/2" thick.
- 17. All doors & windows to be 1/2" thick.
- 18. All doors & windows to be 1/2" thick.
- 19. All doors & windows to be 1/2" thick.
- 20. All doors & windows to be 1/2" thick.

3748 W. CALHOUN PKWY
MINNEAPOLIS, MN 55408

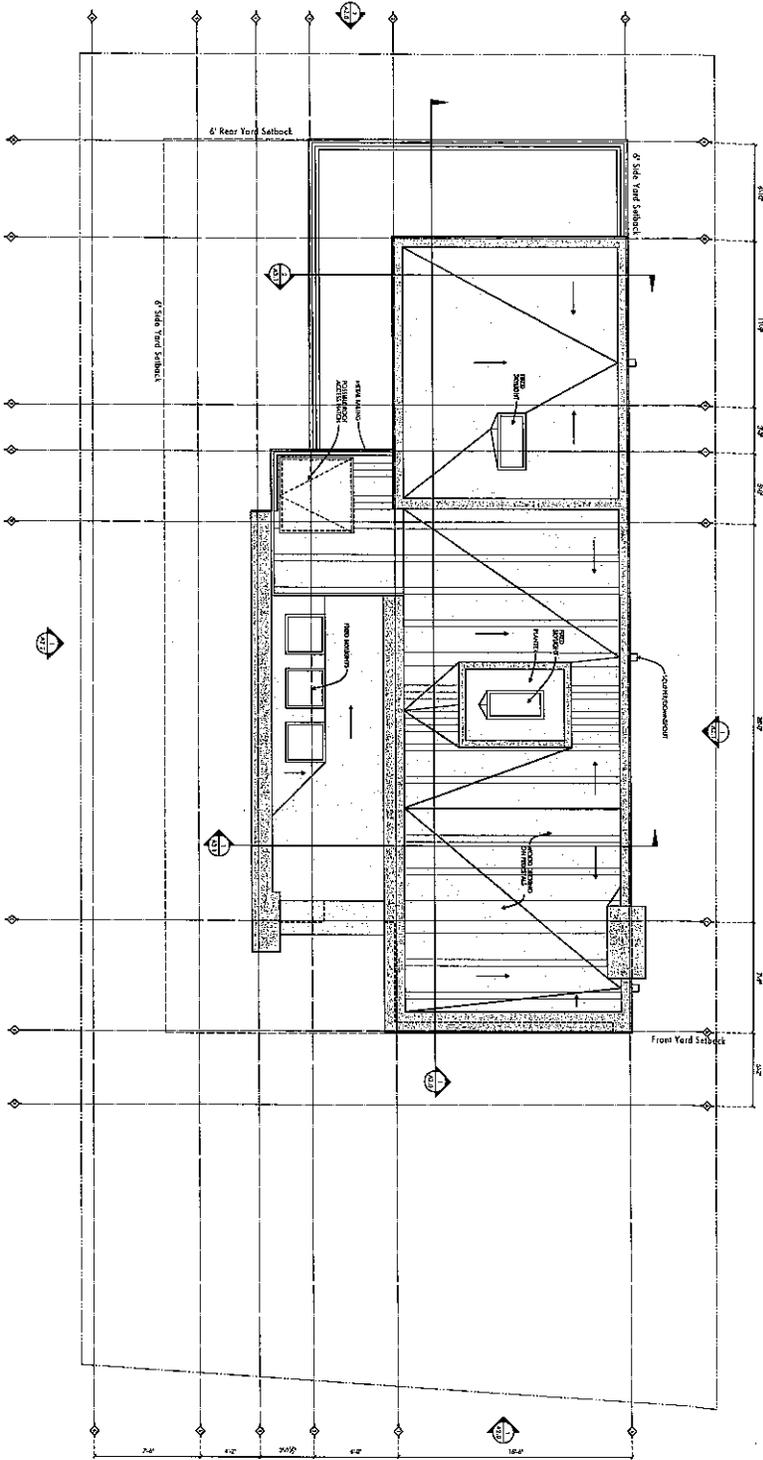
RIDGE CREEK CUSTOM HOMES

Second Floor Plan

A1.2

212 3rd Ave. N., Ste. 306
Minneapolis, MN 55401
PH: +612.333.3244
www.charlieandcompany.com

1 Roof Plan
Scale: 1/8" = 1'-0"



GENERAL NOTES - FLOOR PLANS

FLOOR FINISHES:
 - Concrete: 3/4" minimum, 10% sand, 10% gravel, 10% cement, 10% water.
 - Carpet: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.
 - Tile: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.
 - Wood: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.

FINISHES TO BE DETERMINED:
 - Carpet: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.
 - Tile: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.
 - Wood: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.

FLOOR WALL FINISHES:
 - Concrete: 3/4" minimum, 10% sand, 10% gravel, 10% cement, 10% water.
 - Carpet: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.
 - Tile: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.
 - Wood: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.

FINISHES TO BE DETERMINED:
 - Carpet: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.
 - Tile: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.
 - Wood: 1/2" minimum, 10% sand, 10% gravel, 10% cement, 10% water.

NO. OF SHEETS	17
TOTAL SHEETS	17

Roof Plan

3748 W. CALHOUN PKWY
 MINNEAPOLIS, MN 55408
 RIDGE CREEK CUSTOM HOMES

IMPORTANT NOTICE FOR SUB CONTRACTORS
 1. The Client/Contractor relationship is defined by the contract documents and the contract documents are the governing documents.
 2. All work shall be performed in accordance with the contract documents and the contract documents are the governing documents.
 3. The Client/Contractor relationship is defined by the contract documents and the contract documents are the governing documents.



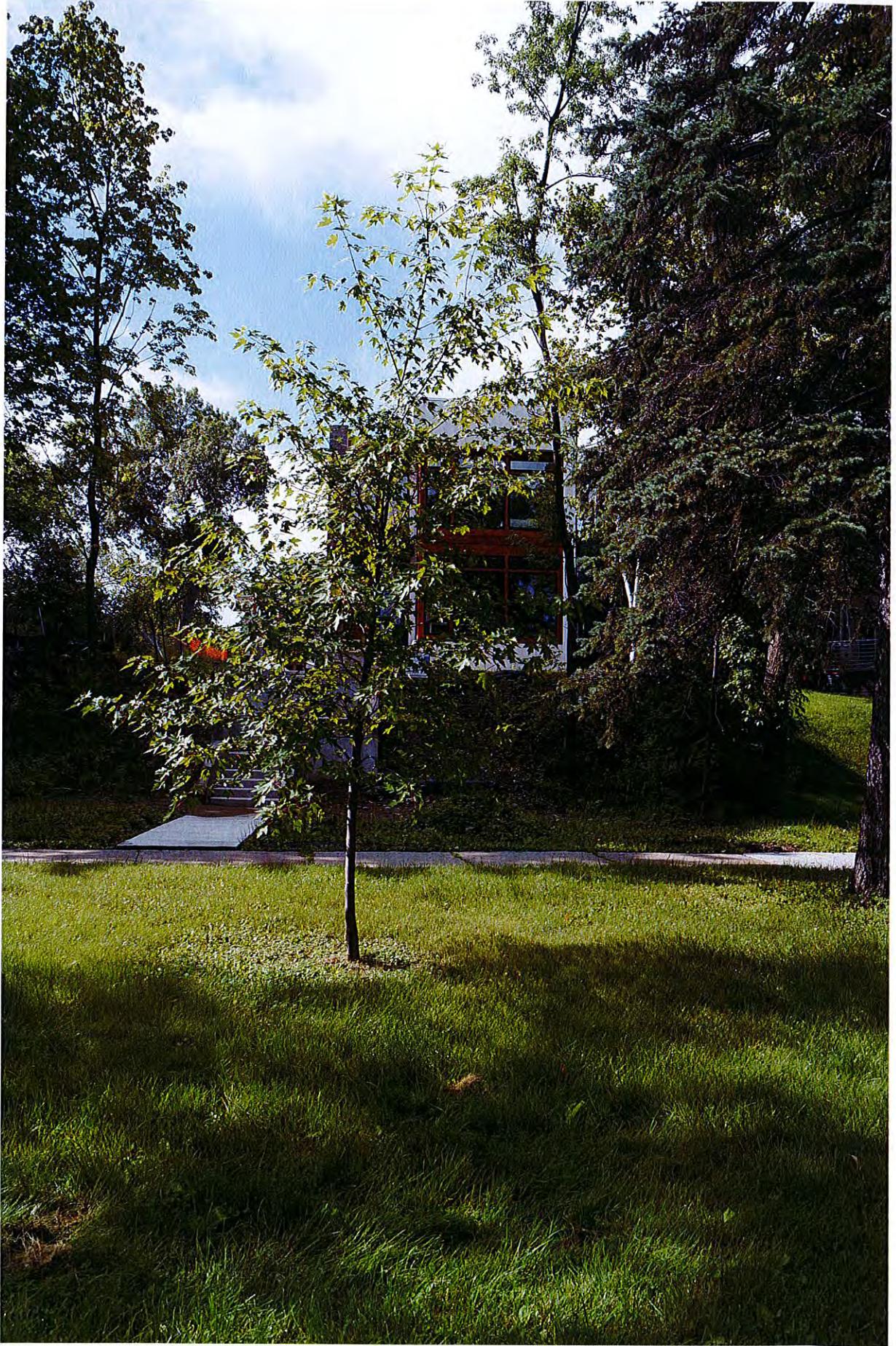
Charlie & Company, Inc.
 312 3rd Ave. N., Ste. 356
 Minneapolis, MN 55411
 (612) 332-2946
 www.charlieandcompany.com

A1.3

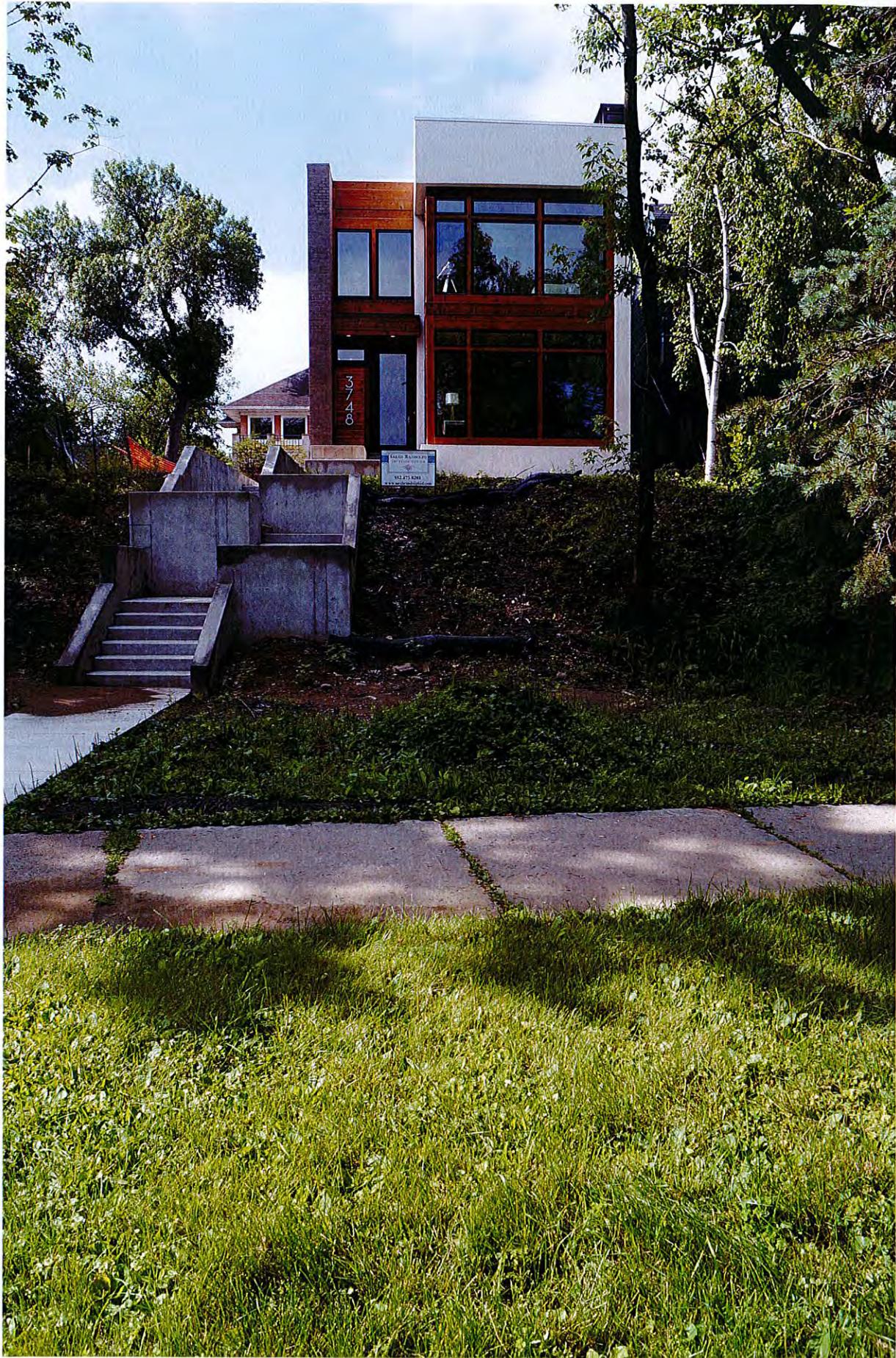
Tree Valuation Report

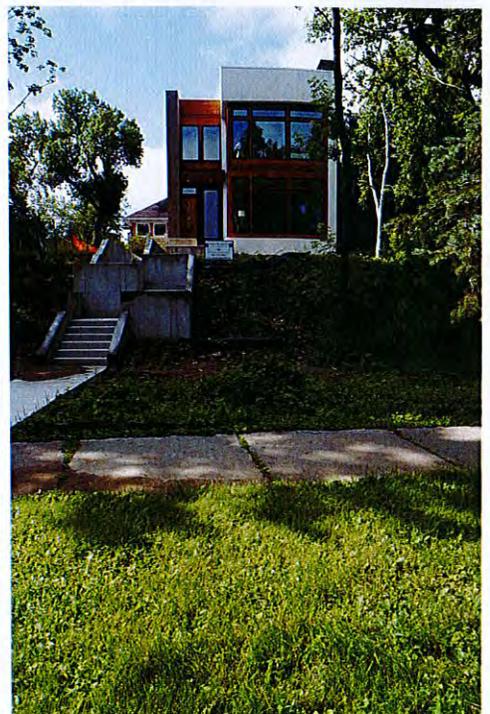
Address	Botanical Name	Common Name	Species Rating	DBH	Basic Cost	Adjusted Value	Condition	Location	Appraised Value
3748 West Lake Calhoun Pkwy NA2 2	<u>Celtis occidentalis</u>	Hackberry Common	70%	10	\$2,811.52	\$1,968.06	80%	80%	\$1,259.56
3748 West Lake Calhoun Pkwy NA2 3	<u>Juglans nigra</u>	Walnut Black	70%	12	\$3,916.80	\$2,741.76	80%	80%	\$1,754.73
Total Appraised Value									\$3,014.29















←

3750 W Calhoun Pkwy
Minneapolis, Minnesota

📍 Street View - Oct 2014



Hide Imagery >



Hide imagery >

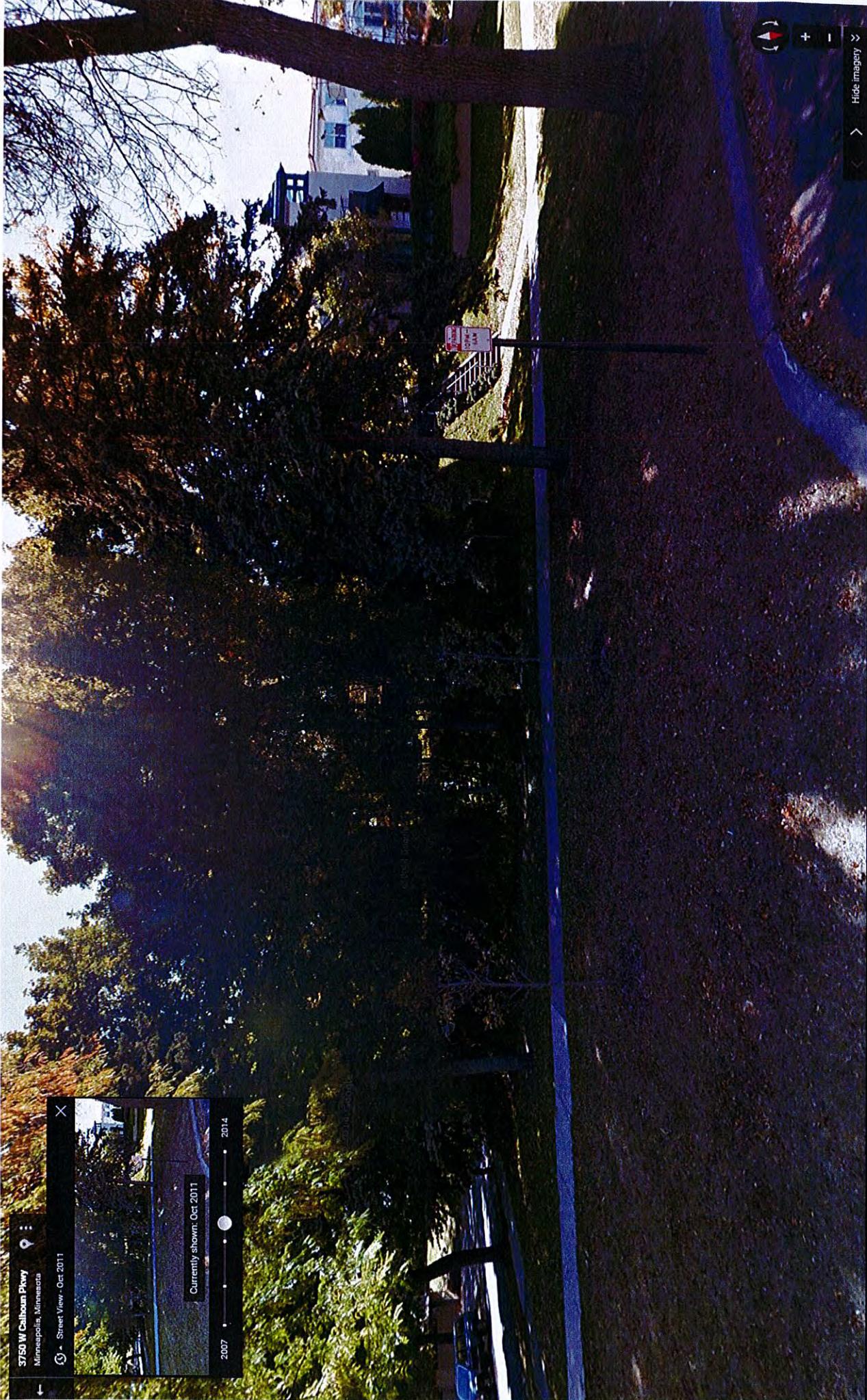


3750 W Calhoun Pkwy
Minneapolis, Minnesota

Street View - Aug 2013

Currently shown: Aug 2013

2007 • • • • • 2014



3750 W Calhoun Pkwy
Minneapolis, Minnesota

Street View - Oct 2011

Currently shown, Oct 2011

2007 2014

X

Navigation icons: compass, zoom in (+), zoom out (-), and a chevron (>).

Hide imagery >



Doc No **A10031515**

Certified, filed and/or recorded on

Nov 25, 2013 1:53 PM

Office of the County Recorder

Hennepin County, Minnesota

Martin McCormick, County Recorder

Mark V. Chapin, County Auditor and Treasurer

Deputy 77

Pkg ID 1057516C

Doc Name: Permit

Document Recording Fee \$46.00

Document Total \$46.00



ENCROACHMENT PERMIT

This Permit Agreement is made effective as of November 11, 2013, by and between the CITY OF MINNEAPOLIS ACTING BY AND THROUGH ITS PARK AND RECREATION BOARD (Licensor) and Lakewest, LLC (Licensee).

WHEREAS, Licensor has received an Application for an Encroachment Permit requesting that Licensee, its successors and assigns, be permitted to install, maintain and use within property owned by Licensor and legally described as:

See Exhibit A attached hereto

(Licensor Property); and

WHEREAS, Licensee requests the Encroachment Permit for the benefit of property owned by Licensee and legally described as:

See Exhibit B attached hereto

(Licensee Property).

NOW, THEREFORE, the parties agree as follows:

1. Grant of License. Licensor, in consideration for the payments and agreements herein contained, does hereby grant on a non-exclusive basis to Licensee a License permitting Licensee to install, maintain and use a walkway and steps on Licensor's property ("permitted encroachment") in the locations described above and in the site diagram attached hereto and made a part hereof as Exhibit C (Licensed Premises), so long as such permitted encroachment does not interfere with Licensor's use of Licensor's property.

2. Use of Licensed Premises. The Licensee may use the Licensed Premises subject to the requirements and conditions of this License and ordinances and policies of Licensor.

3. Plan Approval. Licensee shall submit to Licensor for approval the plans, details and specifications for the installation, maintenance and use of the permitted encroachment on the Licensed Premises prepared and signed by a licensed engineer registered in the State of Minnesota.

4. Compliance with Laws. Licensee shall obtain all permits and approvals required by local, county, state and federal laws and regulations applicable to the permitted encroachment by

Licensee on the Licensed Premises, and shall install, relocate, maintain and use the permitted encroachment on the Licensed Premises in full compliance with such laws and regulations.

5. Licensee's Obligations of Maintenance and Repair. Upon commencement of this License, Licensee acknowledges that the Licensed Premises are in good order, condition and repair. Licensee shall, at its sole expense, maintain, operate, repair, remove, and replace all equipment and improvements for the permitted encroachment on the Licensed Premises. Licensee shall, at all times, keep and maintain the Licensed Premises in clean and sanitary condition, free of all debris and shall not commit waste or nuisance on the Licensed Premises.

6. Utilities. The Licensee shall pay all costs resulting from the alteration or relocation of any and all public or private utilities made necessary in connection with the permitted encroachment.

7. Indemnity. Licensee hereby indemnifies and holds Licensor and Licensor's officers, employees, board members, agents, representatives, Licensees, and invitees, and their successors and assigns, harmless from and against all actions, causes of action, claims, costs, damages, expenses (including reasonable attorneys' fees and expert and other fees and expenses), fines, judgments, liens, penalties, obligations, and suits arising out of, relating to or resulting from Licensee's installation, relocation, use or removal of the permitted encroachment, or the failure to keep the Licensed Premises in good condition and repair, except for the negligent or intentional torts of the Licensor.

8. Licensee's Insurance. During the term of this License, Licensee shall maintain, in full force, comprehensive general public liability insurance covering the legal liability of Licensor against claims for bodily injury, death or property damage incurring on or about the Licensed Premises in the amount of \$1,000,000.00 per occurrence of bodily injury and \$500,000.00 per occurrence for property damage. All such policies shall be issued by an insurance company or companies reasonably acceptable to Licensor and shall name Licensor and Licensee as insured. Licensor does not intend by this insurance provision to waive applicable municipal tort liability limits.

9. Removal and Restoration. Upon revocation or termination of the License, Licensee shall remove the permitted encroachment at its sole cost and expense. Promptly after the installation or removal of the permitted encroachment, the Licensee shall replace and repair the Licensed Premises to a condition acceptable to Licensor.

10. Damage to Licensee's Property. Licensee, as a material part of the consideration to be rendered to Licensor under this License, hereby waives all claims against Licensor for all damage or injury to persons or property of any kind in, upon or about the Licensed Premises from any cause arising at any time except for claims arising from the gross negligence or willful misconduct of Licensor, its officers, board members, agents, employees, contractors, Licensees (other than Licensee) and invitees of Licensor.

11. Access by Licensor. Licensor, or its duly authorized agents, may enter the Licensed Premises at all reasonable times for the purpose of inspecting the Licensed Premises or making any repairs, alterations or improvements which Licensor, in its sole discretion, deems necessary.

12. Transfer. Licensee shall not sell, assign or in any way transfer any of its rights in this License, or permit this License to be transferred without the prior written consent of Licensor, which consent will not be unreasonably withheld.

13. Termination for Licensor's Use. Upon ninety (90) days' written notice, the Licensor may terminate this License upon determination that the permitted encroachment interferes with Licensor's use of the Licensed Premises, or that the Licensed Premises is needed for Licensor's use. The Licensee will be given a 90-day notice of the need to relocate its equipment and facilities. In addition the Licensee will be given 120 days, and due regard for seasonal working conditions, to permanently relocate the equipment and facilities and vacate the licensed premises.

14. Termination for Default. In the event of a default of any term or condition contained herein, the defaulting party shall be entitled to thirty (30) days written notice specifying the nature of the default. In the event the default is not corrected within said thirty-day period, or a cure is not commenced for a default requiring more than thirty (30) days to cure with the defaulting party diligently pursuing correction, the non-defaulting party may elect to (1) terminate this license immediately and the obligations of that party as specified herein shall thereupon cease, or (2) if the default may be cured by the expenditure of money may, but without obligation, and without limiting any other remedies which it may have by reason of such default, cure the default, charge the cost thereof to the defaulting party and the defaulting party shall pay the same forthwith upon demand.

15. Cumulative Rights. No right or remedy herein conferred upon or reserved to Licensor is intended to be exclusive of any other right or remedy herein or by law provided, but each shall be cumulative in addition to every other right or remedy given herein.

16. Effective Waiver or Forbearance. No waiver by Licensor of any breach by Licensee of any of its obligations, agreements or covenants hereunder shall be a waiver of any subsequent breach or of any obligation, agreement or covenant, nor shall any forbearance by Licensor of its rights and remedies with respect to such or any subsequent breach constitute such a waiver. No waiver, change, modification or discharge by either party hereto of any provision in this License shall be deemed to have been made or shall be effective unless expressed in writing.

17. Notice. Any notice or other communication required or provided to be given under the License shall be in writing and shall be sufficiently given and shall be deemed given when delivered personally or when mailed by certified United States mail, return receipt requested, postage prepaid, addressed to the party's address as follows:

If to Park Board:

Minneapolis Park and Recreation Board
2117 West River Road North
Minneapolis, Minnesota 55411
Attn: Real Estate Department

If to Lakewest, LLC:

Lakewest, LLC
15400 Highway 7
Minnetonka, MN 55345

**EXHIBIT A
LICENSOR PROPERTY**

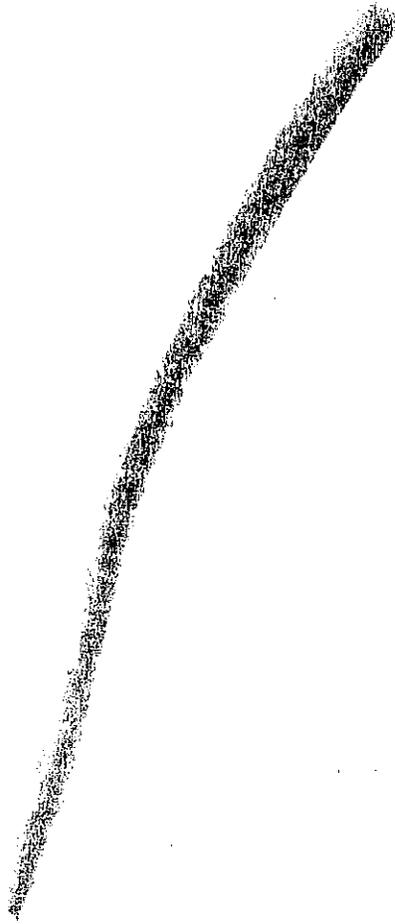
That part of the undesignated portion of Cottage City, according to the recorded plat thereof, which lies north of the northerly line of Block 2 in said Cottage City, Hennepin County, Minnesota.

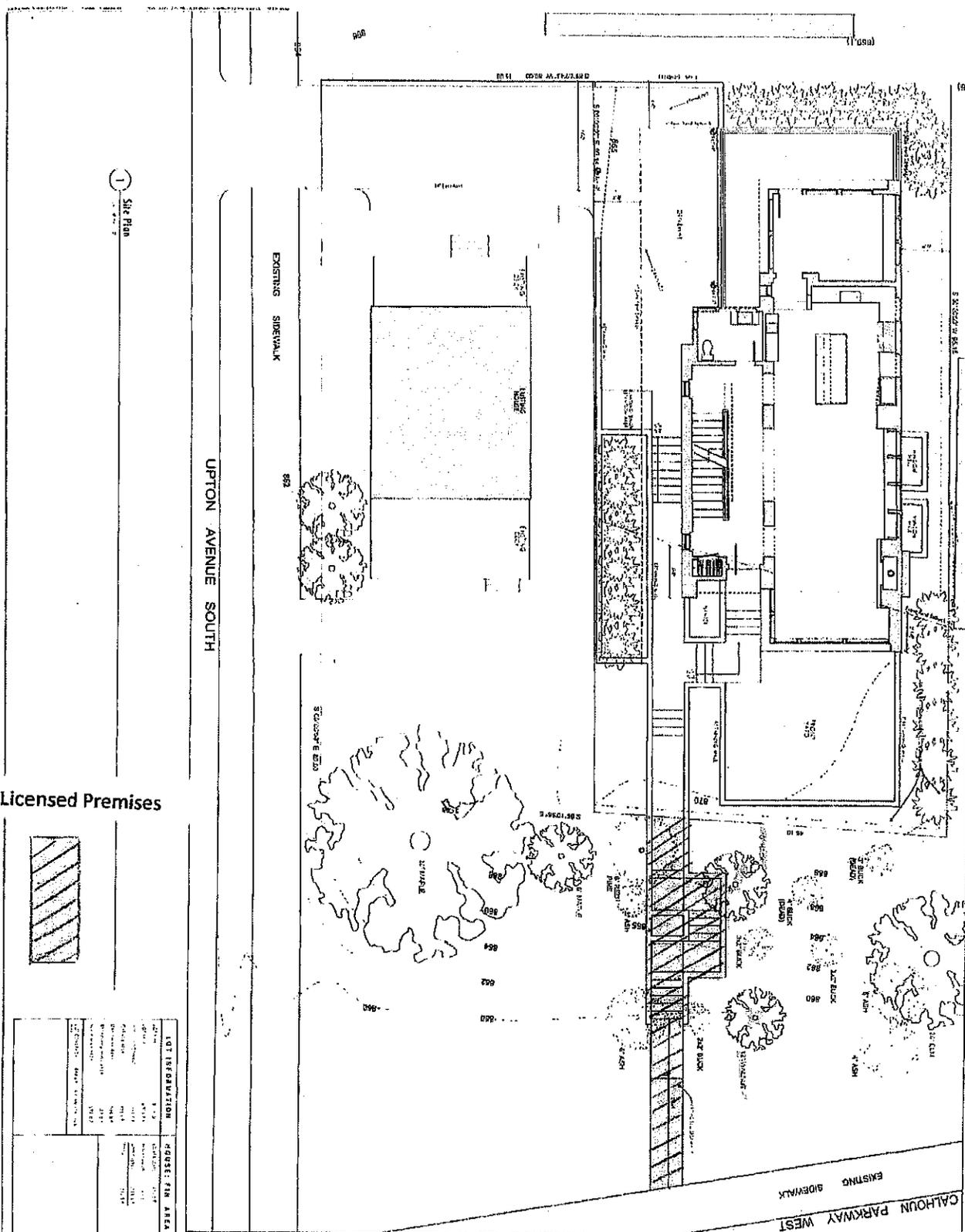
**EXHIBIT B
LICENSEE PROPERTY**

Parcel 1: The West 45 feet of the East 80 feet of Lots 1, 2, 3 and 4 in Block 2, in Cottage City, together with an easement over the East 80 feet of the North 6 feet of Lot 5, in Block 2, in Cottage City, Hennepin County, Minnesota.

Parcel 2: The West 45 feet of the East 80 feet of the North 6 feet of Lot 5, Block 2, in Cottage City, Hennepin County, Minnesota.

EXHIBIT C
LICENSED PREMISES
(Site Diagram)





1 Site Plan

Licensed Premises



LOT INFORMATION	EXISTING FIRM AREA	LAND-SURFACE AREA
LOT NO. 1000	1000	1000
LOT NO. 1001	1001	1001
LOT NO. 1002	1002	1002
LOT NO. 1003	1003	1003
LOT NO. 1004	1004	1004
LOT NO. 1005	1005	1005
LOT NO. 1006	1006	1006
LOT NO. 1007	1007	1007
LOT NO. 1008	1008	1008
LOT NO. 1009	1009	1009
LOT NO. 1010	1010	1010
LOT NO. 1011	1011	1011
LOT NO. 1012	1012	1012
LOT NO. 1013	1013	1013
LOT NO. 1014	1014	1014
LOT NO. 1015	1015	1015
LOT NO. 1016	1016	1016
LOT NO. 1017	1017	1017
LOT NO. 1018	1018	1018
LOT NO. 1019	1019	1019
LOT NO. 1020	1020	1020
LOT NO. 1021	1021	1021
LOT NO. 1022	1022	1022
LOT NO. 1023	1023	1023
LOT NO. 1024	1024	1024
LOT NO. 1025	1025	1025
LOT NO. 1026	1026	1026
LOT NO. 1027	1027	1027
LOT NO. 1028	1028	1028
LOT NO. 1029	1029	1029
LOT NO. 1030	1030	1030
LOT NO. 1031	1031	1031
LOT NO. 1032	1032	1032
LOT NO. 1033	1033	1033
LOT NO. 1034	1034	1034
LOT NO. 1035	1035	1035
LOT NO. 1036	1036	1036
LOT NO. 1037	1037	1037
LOT NO. 1038	1038	1038
LOT NO. 1039	1039	1039
LOT NO. 1040	1040	1040
LOT NO. 1041	1041	1041
LOT NO. 1042	1042	1042
LOT NO. 1043	1043	1043
LOT NO. 1044	1044	1044
LOT NO. 1045	1045	1045
LOT NO. 1046	1046	1046
LOT NO. 1047	1047	1047
LOT NO. 1048	1048	1048
LOT NO. 1049	1049	1049
LOT NO. 1050	1050	1050
LOT NO. 1051	1051	1051
LOT NO. 1052	1052	1052
LOT NO. 1053	1053	1053
LOT NO. 1054	1054	1054
LOT NO. 1055	1055	1055
LOT NO. 1056	1056	1056
LOT NO. 1057	1057	1057
LOT NO. 1058	1058	1058
LOT NO. 1059	1059	1059
LOT NO. 1060	1060	1060
LOT NO. 1061	1061	1061
LOT NO. 1062	1062	1062
LOT NO. 1063	1063	1063
LOT NO. 1064	1064	1064
LOT NO. 1065	1065	1065
LOT NO. 1066	1066	1066
LOT NO. 1067	1067	1067
LOT NO. 1068	1068	1068
LOT NO. 1069	1069	1069
LOT NO. 1070	1070	1070
LOT NO. 1071	1071	1071
LOT NO. 1072	1072	1072
LOT NO. 1073	1073	1073
LOT NO. 1074	1074	1074
LOT NO. 1075	1075	1075
LOT NO. 1076	1076	1076
LOT NO. 1077	1077	1077
LOT NO. 1078	1078	1078
LOT NO. 1079	1079	1079
LOT NO. 1080	1080	1080
LOT NO. 1081	1081	1081
LOT NO. 1082	1082	1082
LOT NO. 1083	1083	1083
LOT NO. 1084	1084	1084
LOT NO. 1085	1085	1085
LOT NO. 1086	1086	1086
LOT NO. 1087	1087	1087
LOT NO. 1088	1088	1088
LOT NO. 1089	1089	1089
LOT NO. 1090	1090	1090
LOT NO. 1091	1091	1091
LOT NO. 1092	1092	1092
LOT NO. 1093	1093	1093
LOT NO. 1094	1094	1094
LOT NO. 1095	1095	1095
LOT NO. 1096	1096	1096
LOT NO. 1097	1097	1097
LOT NO. 1098	1098	1098
LOT NO. 1099	1099	1099
LOT NO. 1100	1100	1100



Contour Keys

Site General Notes

EXISTING SIDEWALK

CAHOUN PARKWAY WEST

UPTON AVENUE SOUTH

EXISTING SIDEWALK

A0.1

Site Plan

Not for Construction

Site Plan

HOLT RESIDENCE

Charlie & Conlan

C&C

Charlie & Conlan

Charlie & Conlan