# CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
BOA Agenda Item #3
June 6, 2016
BZZ-7723

## LAND USE APPLICATION SUMMARY

*Property Location:* 1946 Cedar Lake Parkway

*Project Name:* Ness House

*Prepared By:* Alyssa Brandt, City Planner, (612) 673-5877

*Applicant:* John and Sheri Ness

*Project Contact:* Christine Bleyhl, Happy Medium Architecture

*Request:* To construct a new Single Family Home with attached and detached garage.

*Required Applications:*

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|---|---|
| **Variance** | • To permit development on or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District.<br>• To reduce the required side yard from 6 feet to 0 feet to permit a retaining wall that retains modified grade.<br>• To increase the maximum Floor Area Ratio of a Single Family home from 0.5 to 0.56. |

## SITE DATA

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| **Existing Zoning** | R1 Single Family District<br>SH Shoreland Overlay District |
| **Lot Area** | 7,065 square feet / 0.16 acres |
| **Ward(s)** | 7 |
| **Neighborhood(s)** | Bryn Mawr |
| **Designated Future Land Use** | Urban Neighborhood |
| **Land Use Features** | N/A |
| **Small Area Plan(s)** | Bryn Mawr Neighborhood Land Use Plan, 2005 |

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|---|---|---|---|
| **Date Application Deemed Complete** | May 26, 2016 | **Date Extension Letter Sent** | N/A |
| **End of 60-Day Decision Period** | July 25, 2016 | **End of 120-Day Decision Period** | N/A |

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE**. The subject property is a 7,065 square foot interior lot along the western shore of Cedar Lake. The current house was constructed in 1935 and has been heavily remodeled and added on to in the years since. The existing house has a footprint of 1412 square feet. Also on the site are a 748 square foot detached garage and a 100 square foot shed. The site as it exists today is 73.6% hardcover, including all structures and paving.

The property slopes from 903 at the alley to 880 at the front property line, a drop of 23 feet over 150 horizontal feet, and an average grade of 15%. The front 50 feet of the property slopes 20% over 50 feet, which classifies it as a steep slope per the zoning code definition (an average 18 percent slope or greater measured over a horizontal distance of 50 feet or more, with a height of 10 feet or greater). The slope of the lot has been considerably altered through terracing and retaining walls

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding properties are all single family homes zoned R1 with SH overlay. Due to topography, almost all surrounding properties are on or within 40 feet of the top of a steep slope. While the majority of the housing stock in the area was constructed in the mid-1900s, City records indicate that all new properties that have been built since the adoption of the Shoreland Overlay District has received variances to permit their development.

**PROJECT DESCRIPTION.** The applicant proposes to demolish the existing house and garage in order to construct a new single-Family family home with an attached and detached garage. Due to the slope of the lot, the proposed home would appear as 2 stories from Cedar Lake Parkway and 1 story from the alley. The proposed home will be subject to Administrative Site Plan Review, and preliminary analysis suggests that it is eligible to receive up to 20 design standard points, which exceeds the minimum of 17 points. The applicant will need to work with staff to ensure that the final design meets all applicable ordinances before building permits are issued.

As part of the proposal, the applicant is seeking to regrade the Southern part of the lot, adjacent to 1948 Cedar Lake Parkway. This portion of the lot is currently terraced with a series of retaining walls. The applicant proposes to remove these walls to return the lot to a more natural slope and repair and modify an existing retaining wall along the shared property line. According to the applicant, the retaining wall will not be taller than 30" at any point. Because this grading involves bringing in fill to build up the existing grade, this retaining wall is not considered a permitted obstruction in a required yard and requires a variance.

The applicant is also proposing to remove a series of terraced planters in the front yard, where the steep slope is located. They propose to smooth out the profile of the slope, but not alter the general grade of the slope. The applicant is also proposing to repair or replace the retaining along the front lot line. Because the altered grade is not directly abutting the wall, this work does not require a variance.

**PUBLIC COMMENTS.** At the time of writing this report, staff has not received any comments from residents or neighborhood groups regarding this application. Any comments received prior to the hearing will be forwarded to the Board of Adjustment for consideration.

## ANALYSIS

### VARIANCE: Shoreland Development

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

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

   The applicant is seeking a variance to permit development on or within 40 feet of the top of a steep slope. The steep slope which necessitates this variance extends from the Parkway, up the boulevard, in-to the front yard of the property. The top of the steep slope is the 890 contour line, roughly 9 feet behind the established front yard. The remaining buildable area of the property which is more than 40 feet from the top of the slope and located outside of the required yards is 1,780 square feet, or 25% of the total area of the lot. Such a large front setback is not in keeping with the general alignment of houses along the parkway.

   Staff finds that the presence of a steep slope is a practical difficulty that has not been created by the applicant.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

   The intent of the ordinance authorizing the SH Shoreland Overlay District is to protect natural features within the City of Minneapolis from potentially harmful development. As part of this proposal, the applicant intends to smooth the hillside to a more natural grade, rather than the terraced hillside and largely paved conditions which currently exist on site. The site is currently 73.6% impervious surface, and the applicant is proposing 58.7% impervious surface. By decreasing the amount of impervious surface on the site, the amount of rainfall which will naturally filter into the ground would increase, as opposed to landing on impervious pavement and running off-site down the slope, potentially carrying eroded soil with it.

   Further, the applicant proposes to plant the steep slope in the front yard with a majority native plantings and shrubs. Native grasses are considerably better at maintaining the integrity of a hillside due to their deeper root structure compared to turf grasses. Materials produced by the Minnesota Department of Natural Resources assert that some types of native Minnesota grasses can reach a root depth of up to 8 feet. In comparison, Kentucky Bluegrass, a common turf grass in Minnesota, has a typical root depth of 6-8 inches[1]. Native grasses also require less fertilizing, due to their hardiness against drought, heat, and cold. They also require less irrigation compared to turf grass. These conditions combined--less fertilizer and less water--would reduce the chemical runoff into the protected water. Since run-off on this property must cross the parkway before it reaches the lake, it would also pick up fewer contaminants from the asphalt and exhaust particulates. The resistance of native grasses to adverse weather conditions also limits the chances of the grasses dying and exposing bare hillside which is at risk of washouts and wind erosion.

   The regulations for Shoreland development require that any variance to permit development on or within 40 feet of the top of a steep slope is subject to the following conditions:

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

[1] http://www.dnr.state.mn.us/roadsidesforwildlife/nativegrasses.html

Development currently exists on the subject site and on adjacent sites that are on or within 40 feet of the top of the steep slope.

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

If approved, the applicant will be required to work closely with the Construction Code Services Section of CPED during the permitting process and throughout the duration of the development in order to ensure that the foundation is compatible with the soil and slope and to ensure that best practices are followed to comply with this condition.

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

The applicant has submitted a preliminary erosion control plan (ECP) for this application. A final ECP, verified by a qualified engineer will be required to be approved before construction commences. Proposed erosion control methods include a silt fence, excavated soil management, erosion control mats, and straw wattles. These measures would not be removed until vegetation is established. If the plans are approved and implemented in the manner required by the building code and in accordance with the erosion control plan, the development should present no danger of falling rock, mud, uprooted trees, or other environmental issues.

4. *The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with the surrounding physical context.*

The subject site is located on the Western shore of Cedar Lake. The applicant proposes to plant additional trees in the front yard, which would result in the proposed house being less visible from the lake than the existing development. There are no nearby historic districts or landmarks. Cedar Lake Parkway, which runs adjacent to the lake along its entire Western shore, is almost entirely developed by single family homes. The heavily wooded boulevard on both sides of the Parkway effectively screens all of these homes from the lake, and would do so to the subject property as well.

Staff finds that the proposal is reasonable and meets the spirit and intent of the ordinance and the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

Permitting a new house to be constructed on this site would not alter the essential character of this locality or have negative effects on nearby landowners to visitors to the lake. The house which currently sits on the site is in not in conformance with many aspects of the current zoning code. For example, the existing house only sits 3.2 feet from the North property line. This was common practice among builders in the early part of the 1900s in order to maximize exposure to sunlight. Once the existing house is torn down, the new house on this site is required to be in conformance with all current codes, except those for which a variance is granted.

Roughly half of the perimeter of Cedar Lake is residential development, while the other half is parkland. Replacing an existing house with new construction would not have any effect on the neighborhood, or the health, safety, and welfare of the general public provided it complies with all applicable building code requirements.

**Additional Standards for Variances within the SH Shoreland Overlay District**

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

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

   The applicant has submitted a preliminary erosion control plan showing slope stabilization strategies involving a silt fence at the bottom of the slope, straw wattles in the area of regrading in the side yards and front yard, and erosion control mats on the front slope which would remain in place until the proposed native grass is established. Before any work is undertaken on the site, the City will review and issue building and erosion control permits. After construction, the applicant is proposing to plant shrubs and native grasses on the hillside to provide stability to the soils of the slope.

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

   The proposed development would increase the number of shrubs and trees in the front yard, which would result in a house that is less visible from Cedar Lake than the current house is. Given the slope and the proximity of the property to the lake, it is not possible to entirely shield the development from view. However, the 40 foot setback, plus the width of the boulevard on either side of Cedar Lake Parkway, results in a distance of roughly 150 feet from the shore of the lake to the house. This distance and the high concentration of trees in the boulevard would effectively screen the subject property from view to the same extent that all other existing development on the Parkway is screened.

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

   The proposed development would not have direct access to Cedar Lake and would not generate any additional watercraft.

## VARIANCE: Side Yard

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the required side yard from 6 feet to 0 feet to permit a retaining wall that retains modified grade, 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.*

   The area under consideration for this variance is heavily modified from the natural slope of this lot. The side yard is terraced by a series of retaining walls. The grade drops from 900 to 895 at the westernmost wall, and from 895 to 892 at the next wall, a total horizontal distance of about 8 feet. The practical difficulties related to this variance are the slope of the lot, and the existing terraced retaining walls. The applicant proposes to remove the terracing walls and smooth the grade of the lot. This involves adding fill to part of the side yard, to be held in by a retaining wall along the property. The retaining wall would be no taller than 30" at any point. A retaining wall is only considered a permitted obstruction in a required yard if it retains natural grade. The zoning code defines natural grade as the existing grade conditions on site. Despite the heavily altered grade conditions that currently exist on site, by the Code's definition, we must consider this to be natural grade. Since the retaining wall is in the 6 foot required side yard and would be retaining a grade that is built up from existing conditions, it requires a variance. The existing terraced grade was not created by the current property owners.

   Staff finds that practical difficulties exist related to complying with the required side yard ordinance.

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 proposes to match the grading on the subject property as closely as possible to the grade on the adjacent property and the retaining wall would not increase the grade higher above the adjacent property than it currently is. Staff finds that this proposal is a reasonable use of the property in question. By removing the terracing and smoothing out the hillside, the applicant is altering the property in a manner that returns it closer to the historic natural grade of the property.

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.*

   While the retaining wall directly abuts the adjacent property, the proposed grading actually limits the effect on this neighbor. Removing the terracing and building up the grade in places to create a smooth hillside decreases the drop-off between the two properties. Currently, the grade on the subject property is higher than the adjacent lot in several locations, but the grade is not getting any higher than existing in these locations.

   Staff finds that granting this variance would not have an undue negative effect on the neighbors or the surrounding area.

**Additional Standards for Variances within the SH Shoreland Overlay District**

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

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

   The applicant has submitted a preliminary erosion control plan showing slope stabilization strategies involving a silt fence at the bottom of the slope, straw wattles in the area of regrading in the side yards and front yard, and erosion control mats on the front slope which would remain in place until the proposed native grass is established. Before any work is undertaken on the site, the City will review and issue building and erosion control permits. After construction, the applicant is proposing to plant shrubs and native grasses on the hillside to provide stability to the soils of the slope.

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

   The proposed development would increase the number of shrubs and trees in the front yard, which would result in a house that is less visible from Cedar Lake than the current house is. Given the slope and the proximity of the property to the lake, it is not possible to entirely shield the development from view. However, the 40 foot setback, plus the width of the boulevard on either side of Cedar Lake Parkway, results in a distance of roughly 150 feet from the shore of the lake to the house. This distance and the high concentration of trees in the boulevard would effectively screen the subject property from view to the same extent that all other existing development on the Parkway is screened.

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

   The proposed development would not have direct access to Cedar Lake and would not generate any additional watercraft.

## VARIANCE: Floor to Area Ratio

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum Floor Area Ratio of a Single Family home from 0.5 to 0.56, 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.*

   The maximum Floor to Area Ratio (FAR) for a single family house in the R1 District is 0.5. For a lot of 7,065 square feet, 3,532.5 square feet of gross floor area is allowed. The proposed house has 3,926 square feet of gross floor area, resulting in an FAR of 0.56.

   The grade of the subject property changes significantly from the alley to the front lot line. The finished first floor elevation (FFE) of the rear-facing attached garage is 900.7 and the adjacent existing grade elevation is 900.5. At the front of the property, the FFE is 901 and existing grade elevation is 888. Chapter 546.240 of the zoning code states that basements or lower levels are not counted as gross floor area if there is 42 inches or less between the finished first floor elevation and adjacent existing grade for more than 50% of the perimeter. The first floor elevation of the proposed home is more than 42 inches from grade for 59.1% of the perimeter and therefore the lower level is counted in the Floor Area Ratio calculation. If the proposed building were constructed on a relatively flat lot where the lower level could be buried to meet the exposure requirement, the Gross Floor Area would be 2,330 square feet, resulting in an FAR of 0.33, well under the 0.5 maximum.

   The subject property has the some of the steepest slope along the parkway actually within its extents. Many other areas of the steep slope are in the public boulevard and the privately-owned lots themselves are flat enough to comply with the 42 inch lower level exposure standard.

   Staff finds the slope of the lot is a practical difficulty with regards to the Floor Area Ratio variance and was not created by the applicant.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

   The Minneapolis Comprehensive Plan identifies this parcel as low-density residential in both its existing and future land use plan. This is supported by the R1 Single Family residential district zoning of this property. R1 is the lowest density residential district. The footprint of the house is within the bulk requirements for this district, and it is only the slope of the lot which causes the proposal to exceed the floor to area ratio maximum. Staff finds that the proposal is reasonable and in keeping with the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

   The grade of this lot slopes down from the alley to the parkway. Because of this, the proposed house appears as a single story from the alley. Given that parking and stopping is not permitted along Cedar Lake Parkway, the alley is the primary means of accessing the properties along the Parkway by both residents and visitors. The house would appear as a single story to most regular visitors to this site.

The proposed development would appear as two stories from the parkway, but the width of the boulevard and the large front yard setback limit the effect that the additional bulk would have for users of the Parkway and nearby trail. Most of the other homes on the Parkway appear as two stories from the public right of way. The increased bulk of the subject property would not be noticeable to users of the alley, and would not seem out of place with the surrounding properties when viewed from the Parkway or lake.

The proposed increase in Floor to Area ratio would not have a negative effect on health, safety, or welfare for the public or nearby residents. An increase in FAR will have little visual impact and will not impede emergency responders or create health hazards.

**Additional Standards for Variances within the SH Shoreland Overlay District**

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

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

   The applicant has submitted a preliminary erosion control plan showing slope stabilization strategies involving a silt fence at the bottom of the slope, straw wattles in the area of regrading in the side yards and front yard, and erosion control mats on the front slope which would remain in place until the proposed native grass is established. Before any work is undertaken on the site, the City will review and issue building and erosion control permits. After construction, the applicant is proposing to plant shrubs and native grasses on the hillside to provide stability to the soils of the slope.

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

   The proposed development would increase the number of shrubs and trees in the front yard, which would result in a house that is less visible from Cedar Lake than the current house is. Given the slope and the proximity of the property to the lake, it is not possible to entirely shield the development from view. However, the 40 foot setback, plus the width of the boulevard on either side of Cedar Lake Parkway, results in a distance of roughly 150 feet from the shore of the lake to the house. This distance and the high concentration of trees in the boulevard would effectively screen the subject property from view to the same extent that all other existing development on the Parkway is screened. The increase in FAR would not change the appearance of the home from the lake.

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

   The proposed development would not have direct access to Cedar Lake and would not generate any additional watercraft.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by John and Sheri Ness for the property located at 1946 Cedar Lake Parkway:

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

Recommended motion: **Approve** the application for a variance to develop on or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District, subject to the following conditions:

1. Erosion control measures shall remain on site until new plantings are established.
2. Approval of the final site, elevation, and floor plans by the Department of Community Planning and Economic Development
3. All site improvements shall be completed by June 23, 2018 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**B. Variance to decrease the side yard setback.**

Recommended motion: **Approve** the application for a variance to decrease the required side yard setback from 6 feet to 0 inches to construct a retaining wall that retains modified grade along the southern property line, subject to the following conditions:

1. Approval of the final site, elevation, and floor plans by the Department of Community Planning and Economic Development
2. All site improvements shall be completed by June 23, 2018 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**C. Variance to increase the maximum Floor to Area Ratio**

Recommended motion: **Approve** the application for a variance to increase the maximum floor to area ratio from 0.5 to 0.56, subject to the following conditions:

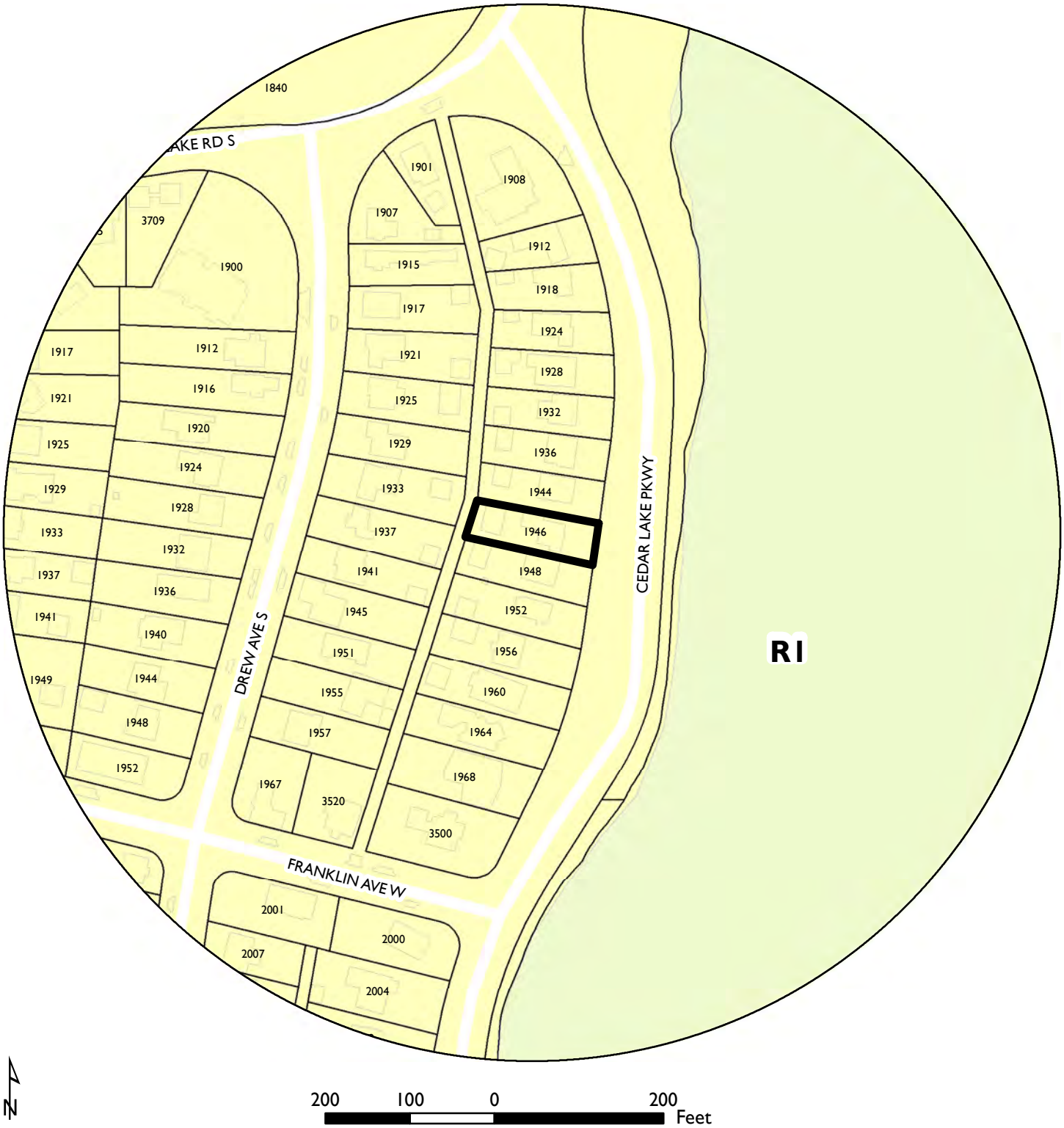
1. Approval of the final site, elevation, and floor plans by the Department of Community Planning and Economic Development
2. All site improvements shall be completed by June 23, 2018 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

## ATTACHMENTS

1. Zoning map
2. Written description and findings submitted by applicant
3. Survey
4. Site plan
5. Plans
6. Building elevations
7. Preliminary Erosion Control Plan
8. Renderings
9. Photos

**Christine Bleyhl** **7th**

NAME OF APPLICANT WARD




PROPERTY ADDRESS

**1946 Cedar Lake Parkway**

FILE NUMBER

**BZZ-7723**

**Variance Application and General Land Use Requirements**
**1946 Cedar Lake Parkway**
**Minneapolis, MN 55416**

Date: May 24, 2016
From: Christine Bleyhl, Architect and Owner's Representative

**Overview and Statement of Proposed Use**
The proposed house on Cedar Lake Parkway is a two-story single-family home located in R1A Zoning District and the Shoreland Overlay District. The design of the new home is consistent with the mix of character and varying styles in the neighborhood and along Cedar Lake Parkway. The home, as designed, is 3457 conditioned square feet, with additional attached and detached garages with combined areas meeting the allowable garage square footage for the property. The design proposal includes re-grading and replanting a majority of the lot, meeting pervious surface and lot coverage requirements.

The property and project design necessitates variances for building on or within a steep slope, removing timber planters and correcting grade within the steep slope, repairing and/or replacing retaining walls primarily along the southwest end of the property line shared with the neighbor to the south, and a variance for increased floor area over the allowable .5 of the lot size.

The new owners purchased the property with intent and need to create single-story accessible living with a garage and master bedroom on the main level. The lower level of the home is designed for an adult child who lives with, and will continue to live with, the couple.

The design proposal is a modern home with low pitched and flat roofs keeping the home's profile modest and within the allowable height even on a steep slope. The house meets natural grade at both the front of the house and at the rear driveway area, with additional steep slopes to the alley, along the sides of the home, and toward the lake. The new home proposal observes the established side-yard setbacks of 6', along with the rear and front yard setbacks.

**Existing Conditions**

The site is located at one of the steepest slopes along the western edge of Cedar Lake, where the alley is at its highest point. The steep slope and parkway condition demand access to this and adjacent properties exclusively from the alley, as no parking or stopping is allowed along Cedar Lake Parkway. The existing house entrance, reached by way of a series of stairs, is not accessible. This is a significant physical issue for the owners, who need a design that provides a safe and accessible entrance for both vehicles and pedestrians.

The existing single family home and detached four car garage, including front timber retaining planters and rear retaining walls will be demolished for construction of the new home. The existing home exceeds the current impervious surface requirements by 13% and exceeds current north side yard and front yard setbacks. Both non-conforming conditions will be remediated with the construction of the new home. The existing home (including garages) and the proposed new home (including garages) are nearly identical in lot coverage percentages, both lower than the maximum allowed amount. Both the existing garages and existing home would require significant modifications to make them more accessible, and ultimately not differ in character or massing than the proposed home's design.

**General Land Use Application for Variance**
**1946 Cedar Lake Parkway**
**Minneapolis, MN 55416**

Re: Request for FAR Variance
Date: May 24, 2016
From: Sheri and John Ness, Owners
Christine Bleyhl, Architect and Owner's Representative

The owners of 1946 Cedar Lake Parkway request review of the variance application to exceed the allowable FAR from .5 to .56 within an R1/Single Family SH Shoreland Overlay District.

1. The proposed design, a two-story single-family residence with an attached two-car garage and a single detached garage, conforms to all City requirements for impervious surface limitations, structure lot coverage, setbacks, alignment of adjacent facades, and maximum building height requirements. However, because of the unique steepness of slope on the site and because of the presence of numerous property retaining walls that distorts the calculation of natural grade on the site, the current measurement of floor area exceeds the .5 allowance (.56). The proposed design is 3458 sf total on two stories, with an attached garage of 468 sf.

The existing single family home and detached three car garage, including front timber retaining planters and rear retaining walls will be demolished for construction of the new home. The existing home exceeds the current impervious surface requirements by 13% and exceeds current north side yard and front yard setbacks. Both non-conforming conditions will be remediated with the construction of the new home. The existing home (including garages) and the proposed new home (including garages) are within 100 square feet of the same lot coverage percentage, and less than the maximum allowed.

If natural grade was determined not by the grade imposed by existing retaining walls but by the natural grade allowed by the site, the design would be able to conform to the FAR requirements and this variance would not be required. Because of the need to address difficult accessibility issues at the rear entrance on the steeply sloping site, and because of the desire to respect adjacent property owner retaining wall conditions, we are requesting this variance.

The site is located at one of the steepest slopes along the western edge of Cedar Lake, where the alley is at its highest point. The steep slope and parkway condition demand access to this and adjacent properties exclusively from the alley, as no parking or stopping is allowed along Cedar Lake Parkway. The existing house entrance, reached by way of a series of stairs, is not accessible. This is a significant physical issue for the owners, who need a design that provides a safe and accessible entrance for both vehicles and pedestrians.

The design of the proposed home maintains a low profile, with a low slope shed roof and flat roof that maintains a similar scale to the adjacent homes and maximizes views of the lake from the upper living level. The proposed home meets existing grade on three levels – the upper detached accessory garage, the two-car attached garage and entry level, and the lower level at lakeside. The massing and site arrangement of the proposed home with attached garage creates an entrance courtyard and minimizes a garage face to the alley. While the house meets natural grade on two levels, the only entrance for residents and guests faces the alley. The entrance floor elevation is established to create an accessible front door for residents, visitors, and delivery services.

The owner, with two unique medical conditions, has a need for a design that generally conforms to ADA accessibility standards. They need an attached garage at the same elevation as the main living/master bedroom level and want simple access to the site from both levels. They have planned for a potential future elevator to connect both levels of the home. The proposed design addresses these accessibility needs within an overall physical envelope that conforms to all external City design requirements.

There is a total height change of approximately 15' from front to back within the buildable portion of the lot. The proposed two-story home is accessed from the west at elevation 900.5 and from the east at elevation 890.0, effectively creating a one-story difference that naturally and comfortably conforms to the site. The natural grade on the south side of the home is a series of block retaining walls from elevation 900' at the existing driveway, down to elevation 892' within a distance of approximately 6'. The new home proposes to re-establish a more natural sloping grade from the alley to the established front yard by removing retaining walls on the south side-yard, and to have a sloping site more consistent with other homes and natural grade in the area. Natural grade will be maintained on the north property line, and with adjustments made on the south property line after retaining walls are removed, effectively 50% of the lower level will be 42" below grade or lower.

Unfortunately, our understanding of the need for an FAR variance is contingent upon evolving standards for this literal calculation of exposed wall area on the first floor. Unique practical difficulties due to the steep slope prevent the literal compliance with these evolving FAR calculations without creating awkward and increasingly inaccessible situations.

2. The proposed home has a height, massing, and lot coverage that conforms to City requirements. Site landscaping conforms to all City impervious surface limitations. The owner and architect have tested and discussed options that avoid the need for a FAR variance. Because of the steeply sloping site, the technical FAR calculation is not a representative measure of massing and useable area. The first alternative, to reduce the square footage of the lower level, literally complies with the FAR calculation but has no visible impact on the design from the exterior. The owner's program needs are compromised because of the loss of space, with no public gain.

The second alternative, to push the building toward the alley and further into the slope (further reducing wall exposure at the lower level and increasing upper level building perimeter behind the FAR threshold), creates severe accessibility issues at the main entrance and does not allow for accessible and unimpeded flow from the garage to the house. Raising the entrance level to meet the steep grade increases the height of the building, creating more massing while not addressing accessibility needs.

The third alternative, to detach the garage from the house, meets the technical FAR calculation but does not address the owner's accessibility objectives. The resultant 4' grade change between garage and house, similar to the existing house, creates the need for internal stairs and exterior ramps that are untenable in their length and convenience.

3. Because these three fully conforming alternatives result in significant compromises to the accessibility and daily use of the home, the owner and architect believe conventional FAR calculations on this steeply sloping site are a significant hardship and we therefore respectfully are requesting a variance. Complying with the FAR may in fact create physical hardships for the owner with regard to health, safety, and welfare. The deviation from the FAR requirement for the proposed single-family home has no negative impact to neighboring properties and conforms to all City requirements for

impervious surface limitations, structure lot coverage, setbacks, alignment of adjacent facades, and maximum building height requirements. The architectural character of the proposed house is compatible with the varied character of the neighboring properties facing Cedar Lake. Proposed slopes in the front of the lot, facing the lake, and at the back of the lot will be drained and landscaped in a manner consistent with the natural appearance of the surrounding physical context.

**General Land Use Application for Variance**
**1946 Cedar Lake Parkway**
**Minneapolis, MN 55416**

Re: Request for SH Shoreland Overlay Variance
Date: May 24, 2016
From: Sheri and John Ness, Owners
Christine Bleyhl, Architect and Owner's Representative

The owners of 1946 Cedar Lake Parkway request review of the variance application to allow for a new house with attached garage and a rear-yard accessory garage. The owners are seeking a two-part deviation from the code to allow development on and within forty (40) feet of the top of a steep slope in SH Shoreland Overlay District, in the R1 Single-Family District of the Bryn Mawr neighborhood, and to amend the existing grade between the front property line and the established front yard setback line as part of the steep slope variance.

1. Both the existing home to be demolished and proposed new home are within 40 feet of the top of a steep slope, as are the adjacent residences. Since the lot is on a city parkway, the property line is approximately 35 feet from the parkway curb. Adherence to the SH Shoreland Overlay District of 40 feet from the top of a steep slope would push the development line and additional 23 feet back from the setback line, rendering the majority of the useable portion of the lot unbuildable. Any new house, decks, or patios set back this far on this site would be out of character with the adjoining houses and neighborhood.

The proposed front façade, front balcony, and lower patio are in alignment with the established front-yard setback and of the adjacent two homes, or meet the permitted maximum projection into the yard. The front facades of the houses on this block are generally in alignment, and the proposed new home would maintain this quality. The existing home proposed for demolition meets the established front yard at the facade, with the existing deck projecting entirely beyond the established front yard setback.

1.2 As part of the SH Shoreland Overlay steep slope variance, the owners are also seeking permission to remove timber planter walls and amend the grade within the steep slope at the front of the property, between elevations 880' and 890'. This will create grade similar to and in keeping with the slope of two adjacent properties. An existing retaining wall on the front property line will remain.

2. The proposed new home and variance request of the SH Shoreland Overlay improves the general quality of the steep slope between the home and the parkway by removing non-conforming projections and timber retaining walls within the steep slope. These improvements are consistent with the City's code, and in keeping with the uses of adjacent front yards. By conforming to the requirements of the SH Shoreland Overlay District and not being granted the variance, this home would deviate from the essential feeling of the neighborhood.

3. The proposed house is in alignment with other single-family residences in the neighborhood and along Cedar Lake Parkway. The proposed single-family house will not interfere with the enjoyment or use of the neighboring properties. The architectural flavor of the houses on this block, facing Cedar Lake, is highly variable and the proposed house is not out of character with

the range of front facades that exist on the block. New vegetation is proposed within the property and up to the top of the steep slope and to the rear yard, which will ensure that the proposed home, when viewed from the lake, will be consistent with the natural appearance of the existing slope and the surrounding physical context. By granting the two-part variance, soil permeability and drainage will be an improvement over the existing condition.

4. Soil erosion control measures will be taken during construction by the use of a 2' high perimeter silt fence around the property and straw logs or bio-rolls at the base of the steep slope within the silt fence perimeter. If additional control measures are required, then additional straw logs or bales may be employed to stabilize the slope. After major construction is complete, new grass and planting areas will be installed per the landscape plan to further prevent soil erosion of the sloped areas on the site. The foundation of the new home will be engineered to prevent any possible erosion of the existing steep slope, and the proposed foundation of the front of the home is a safe distance from possible slides at the top of the SH steep slope.

5. The new two-story house is in keeping with the size and mass of the adjacent residences, is below the maximum allowed roof height of 28', and the shallow sloped roof allows for visibility to and from Cedar Lake for neighbors and area visitors.

6. The property at 1946 Cedar Lake Parkway is not in direct connection with the waterway of Cedar Lake as it is separated by a roadway and recreational paths. The only waterway access from this house is the same as the adjacent properties via a public landing and dock on Cedar Lake.

**General Land Use Application for Variance**
**1946 Cedar Lake Parkway**
**Minneapolis, MN 55416**

Re: Request for Retaining Wall Variance
Date: May 24, 2016
From: Sheri and John Ness, Owners
Christine Bleyhl, Architect and Owner's Representative

The owners of 1946 Cedar Lake Parkway request review of the variance application to allow for replacing or repairing a retaining wall that abuts and runs along the side yard property line in an R1/Single Family SH Shoreland Overlay District.

1. The proposed new retaining wall is to replace portions of an existing wall that retains established grade at the subject site and is in disrepair. The retaining wall will retain a driveway area along the south property line. The existing retaining wall or walls step down, starting from the alley on the subject property to just beyond the established front yard setback on the neighbor's property (from elevation 904' down to approximately 888'). The portion of the wall subject to the variance occurs at the rear 40' of the property. The existing terrain at the property is a steep slope in three or more locations and is also subject to a SH Shoreland Overlay District variance. The owners propose to re-grade the site at both the south and north property lines to accommodate a new single-family home with attached and detached garages and driveway. Because of the difficult site conditions present on this site and neighboring sites, it is impossible to access the lot and parking area without retaining walls for portions of the property. It is the owners' goal to minimize retaining walls whenever possible, however, the need for walls is unavoidable.

2. The proposed retaining wall at the new driveway is in keeping with intent of the existing retaining wall. The owners are proposing to work closely with both neighboring properties' natural grade to minimize differences as well as correct the grade on the proposed project site to make a natural and sloping transition from the rear yard to the front yard, rather than a series of block retaining walls and steps. Prior written consent and cooperation with the owner of the property to the south of 1946 Cedar Lake Parkway will be sought as a condition of this variance.

The side yard at the proposed driveway cannot be re-graded to eliminate retaining walls. This property is at the steepest portion of Cedar Lake Parkway, and eliminating retaining walls would eliminate the drive-able portion of the proposed driveway. The proposed wall is in character with other steeply sloping residences in the neighborhood and along Cedar Lake Parkway as many homes in this area have some portion of terrain retained by walls.

The construction of the new retaining walls will be in accordance to building ordinances and codes and follow the same regulations as the construction of the new home, and the building permit and inspections will also include the work to the retained earth on the site. It is not anticipated that the retaining wall at any portion will exceed 30" in height on either side of the property line.

3. The proposed retaining will not interfere with the enjoyment or use of the neighboring properties. The architectural character of the wall will be in keeping with features seen at the proposed house or the property to the south. Soil erosion control measures will be taken during construction by the use of a 2' high perimeter silt fence around the area of the retaining wall. If additional control measures are required, then additional straw logs or bales may be employed to stabilize the slope. After major construction is complete, new plantings and/or mulch will be addressed and coordinated with the adjacent neighbor. The proposed walls will be simple and attractive in appearance, and be consistent with character of the proposed home.

# Existing Conditions Survey For:

CITY HOMES + DESIGN

Property located in Section 29, Township 29, Range 24,
Hennepin County, Minnesota.

Address: 1946 Cedar Lake Parkway, Minneapolis, MN


The Gregory Group
d.b.a.
LOT SURVEYS COMPANY, INC.
Established in 1962
LAND SURVEYORS
REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA
7601 73rd Avenue North
Minneapolis, Minnesota 55428
(763) 560-3093
Fax No. 560-3522

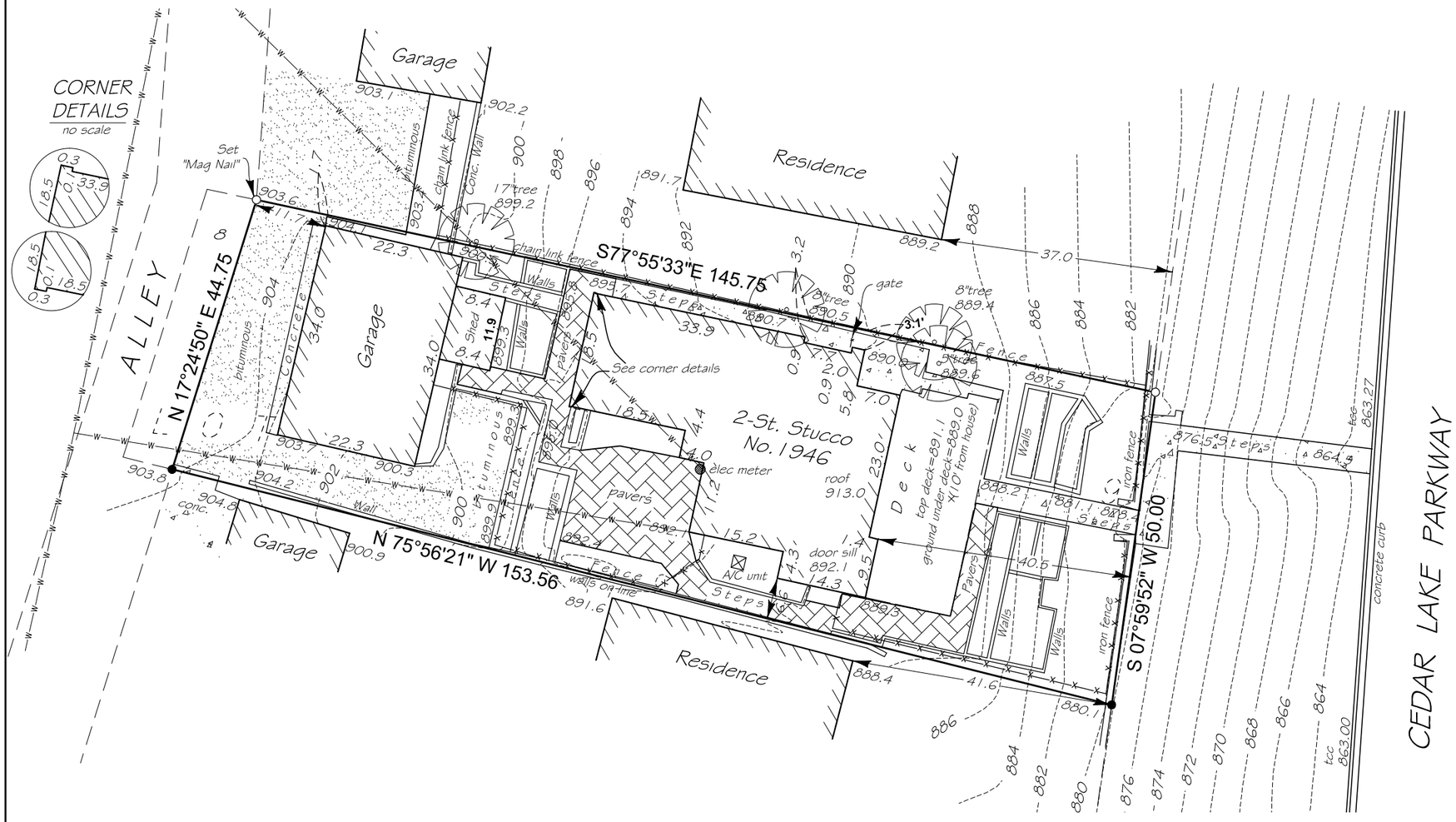

## Surveyors Certificate

INVOICE NO. 84712
F.B.NO. 1086-14
SCALE: 1" = 20'

● Denotes Found Iron Monument
○ Denotes Iron Monument

x000.0 Denotes Existing Elevation
Denotes Proposed Contour

Basis for bearings is assumed




Existing Hardcover
Residence = 1412 sq.ft
Garage & Shed = 854 sq.ft
Pavers, Conc. & Deck = 2933 sq.ft
Total Hardcover = 5199 sq.ft
Area of Parcel = 7065 sq.ft
Percentage of Hardcover = 73.6%

The only easements shown are from plats of record or information provided by client.

I certify that this plan, specification, 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.

Surveyed this 12th day of January 2016.

Signed _____
Gregory R. Prasch, Minn. Reg. No. 24992

Lot 9, Block 3, "McNAIR PARK",Hennepin County, Minnesota.
Except Alley.

| Rev | Drawn By DJE |
|---|---|
| | |
| | File Name |
| | Mp-9-3fb108614inv84712.dwg |

ZONING AND BUILDING STATS (ALL CALCS ARE PRELIMINARY):

ZONING: R1
LOT AREA = 7065 SQ/FT
HARDCOVER = 60% OF 7065 = 4239 SQ/FT
HOUSE FOOTPRINT AT UPPER = 2330 SQ/FT
FRONT BACLONY = 248 SQ/FT
DETACHED GARAGE FOOTPRINT = 216 SQ/FT
FRONT SIDEWALK = 164 SQ/FT
FRONT RETAINING WALLS = 44 SQ/FT
LOWER PATIO EXPOSED BEYOND BALCONY = 122 SQ/FT
PAVER DRIVEWAY/APRON AND DRIVEWAY STOOP= 1026 SQ/FT
TOTAL HARDCOVER = 4150 SQ/FT***

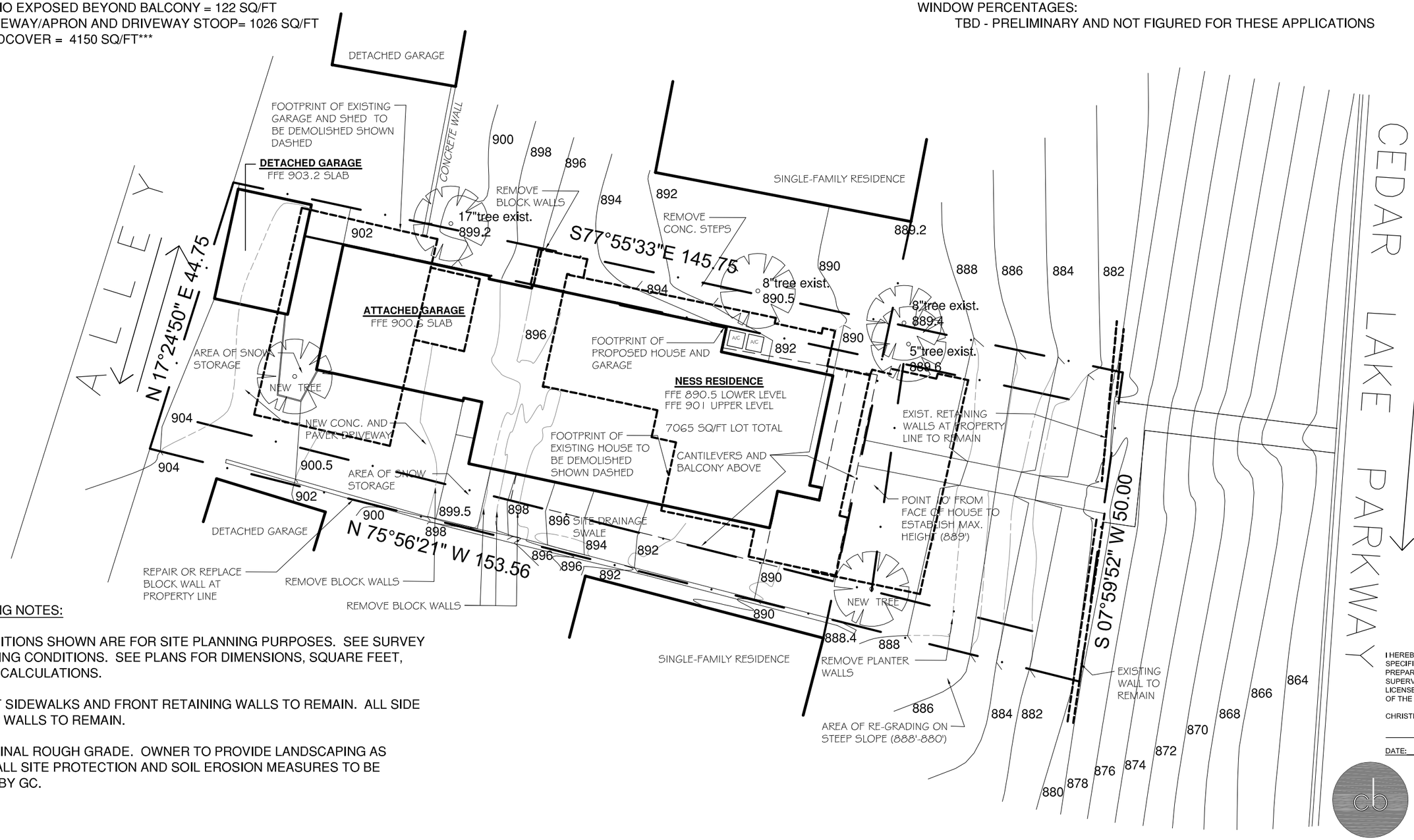
ZONING AND BUILDING STATS (ALL CALCS ARE PRELIMINARY):

FLOOR AREA RATIO:
50% LOT SIZE = 3532.5 SQ/FT
BUILDING STATS:
FIRST FLOOR = 2330 SQ/FT (INCL. CANT. AND ATTACHED GARAGE. NOT BALCONY)
LOWER FLOOR = 1596 SQ/FT (DOES NOT INCLUDE LOWER PATIO)
TOTAL AREA = 3926 SQ/FT*** (INCLUDES ATTACHED GARAGE) = 55%

ZONING AND BUILDING STATS (ALL CALCS ARE PRELIMINARY):

LOT STRUCTURE COVERAGE:
45% LOT SIZE = 3179 SQ/FT
BUILDING STATS:
FIRST FLOOR ( INCLUDING CANTILEVERS, ATTACHED GARAGE, AND BALCONY)= 2578 SQ/FT
DETACHED GARAGE = 216 SQ/FT
TOTAL BUILDING LOT COVERAGE = 2794 SQ/FT***

WINDOW PERCENTAGES:
TBD - PRELIMINARY AND NOT FIGURED FOR THESE APPLICATIONS




GENERAL BIDDING NOTES:

1. SITE CONDITIONS SHOWN ARE FOR SITE PLANNING PURPOSES. SEE SURVEY FOR EXISTING CONDITIONS. SEE PLANS FOR DIMENSIONS, SQUARE FEET, AND AREA CALCULATIONS.
2. ALL FRONT SIDEWALKS AND FRONT RETAINING WALLS TO REMAIN. ALL SIDE RETAINING WALLS TO REMAIN.
3. PROVIDE FINAL ROUGH GRADE. OWNER TO PROVIDE LANDSCAPING AS NEEDED. ALL SITE PROTECTION AND SOIL EROSION MEASURES TO BE ASSUMED BY GC.

1 **SITE AND GRADING PLAN**

SCALE: 1/16" = 1'-0"

NORTH

CEDAR LAKE NEW HOME
FOR SHERI AND JOHN NESS
1946 CEDAR LAKE PARKWAY, MINNEAPOLIS 55416

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER BY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA

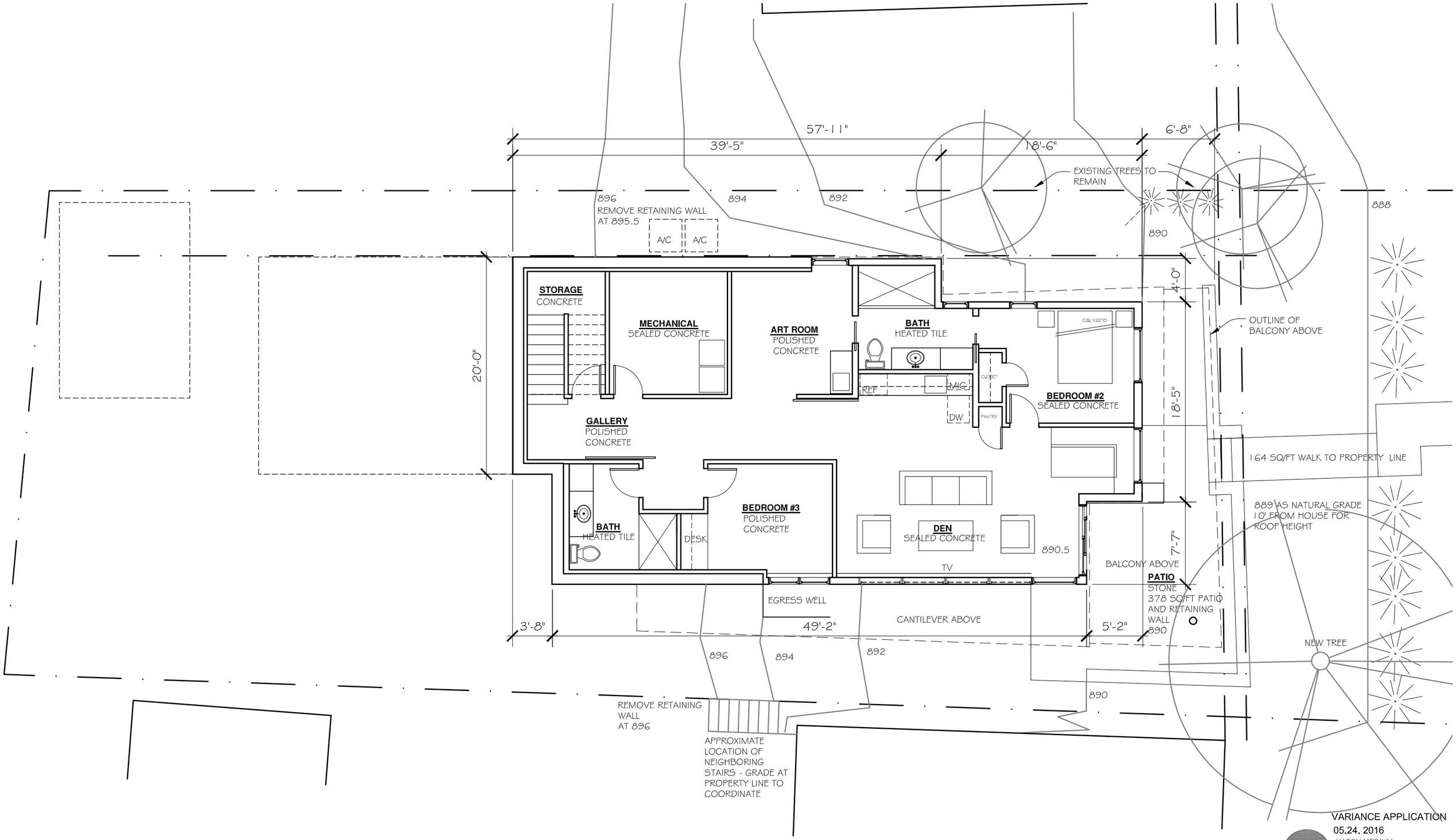
CHRISTINE BLEYHL, AIA

DATE: LIC #:

HAPPY MEDIUM
1705 JAMES AVE S
MPLS MN 55403
612.961.1371

VARIANCE APPLICATION
05.24.2016

A0




## 1 PROPOSED LOWER LEVEL PLAN

1596 SQ/FT LOWER LEVEL. 366 SQ/FT PATIO AND RETAINING WALL. 164 SQ/FT FRONT WALK TO PROPERTY LINE. 44 SQ/FT RETAINING WALLS AT PROPERTY LINE

SCALE: 1/8" = 1'-0"

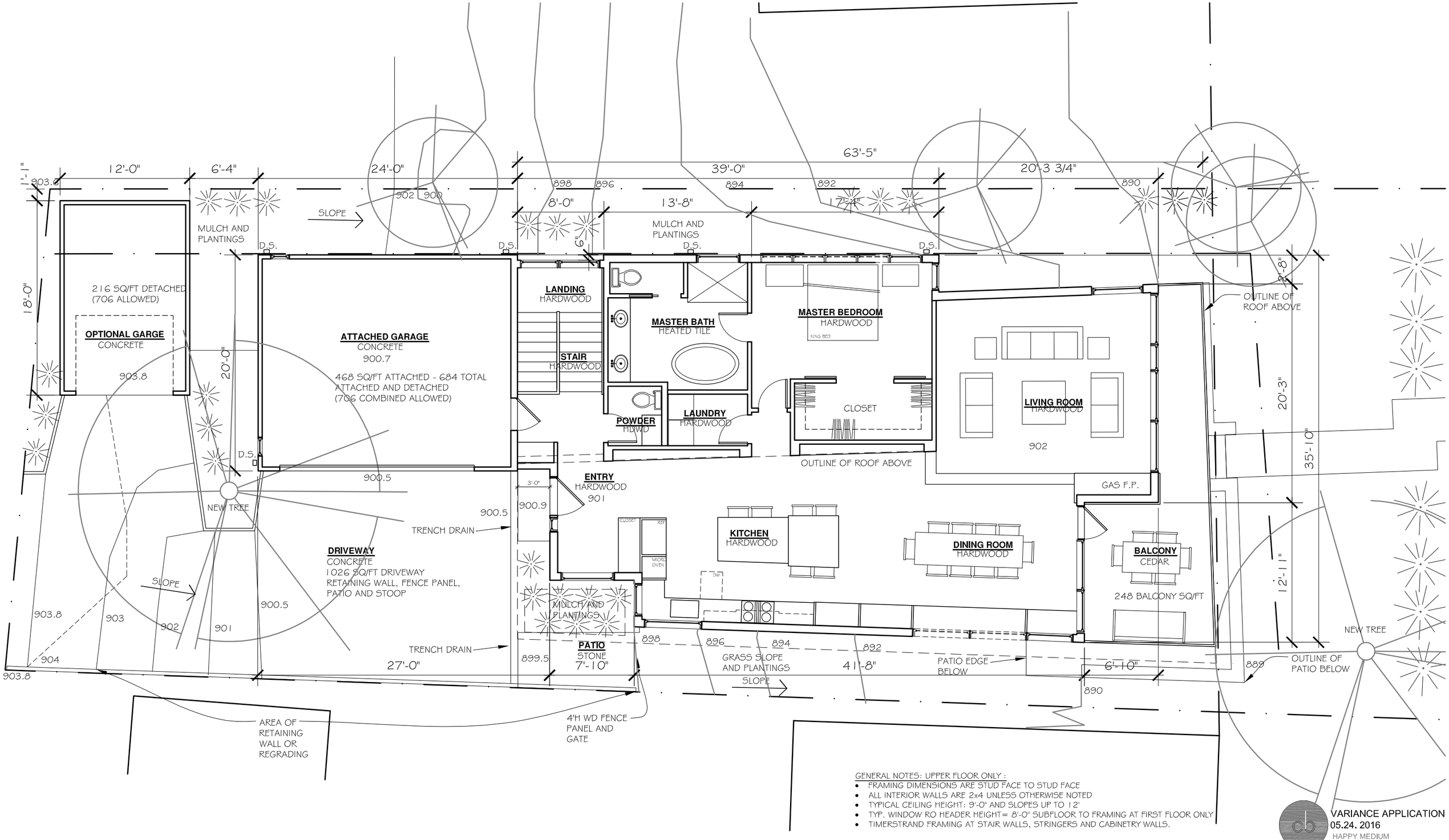
NORTH

VARIANCE APPLICATION
05.24. 2016

HAPPY MEDIUM
1705 JAMES AVE S
MPLS MN 55403
612.961.1371

CEDAR LAKE NEW HOME
FOR SHERI AND JOHN NESS
1946 CEDAR LAKE PARKWAY, MINNEAPOLIS 55416

A2




GENERAL NOTES: UPPER FLOOR ONLY :

- FRAMING DIMENSIONS ARE STUD FACE TO STUD FACE
- ALL INTERIOR WALLS ARE 2x4 UNLESS OTHERWISE NOTED
- TYPICAL CEILING HEIGHT: 9'-0" AND SLOPES UP TO 12'
- TYP. WINDOW RO HEADER HEIGHT= 8'-0" SUBFLOOR TO FRAMING AT FIRST FLOOR ONLY
- TIMERSTRAND FRAMING AT STAIR WALLS, STRINGERS AND CABINETRY WALLS.

## 1 PROPOSED UPPER FLOOR PLAN

2330 TOTAL UPPER SQ/FT INCLUDING ATTACHED GARAGE ( 1867 SQ/FT CONDITIONED SPACE ), BALCONY 248 DETACHED GARAGE 216

SCALE: 1/8" = 1'-0"

NORTH

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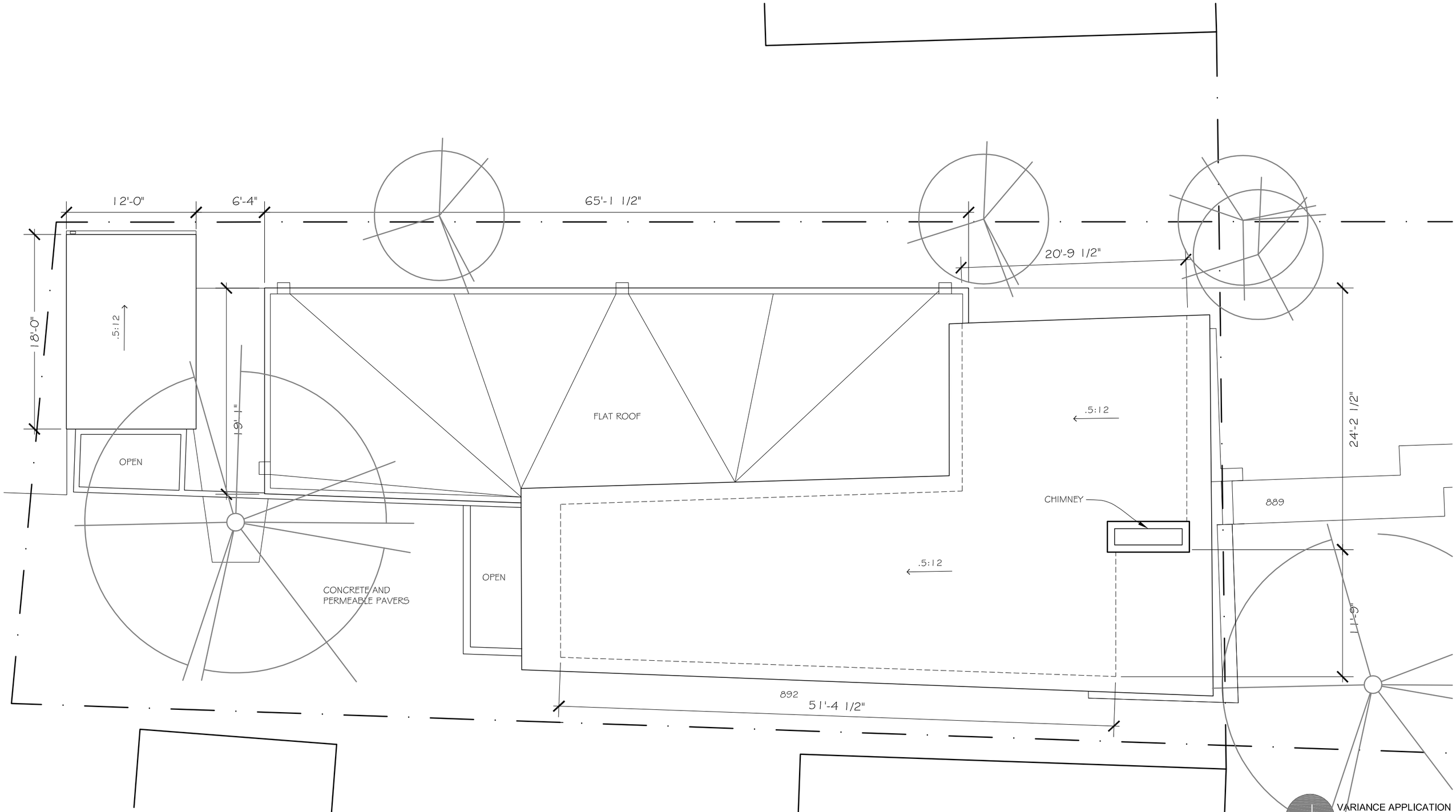


## 1 PROPOSED ROOF PLAN

SCALE: 1/8" = 1'-0"

NORTH

VARIANCE APPLICATION
05.24. 2016

HAPPY MEDIUM
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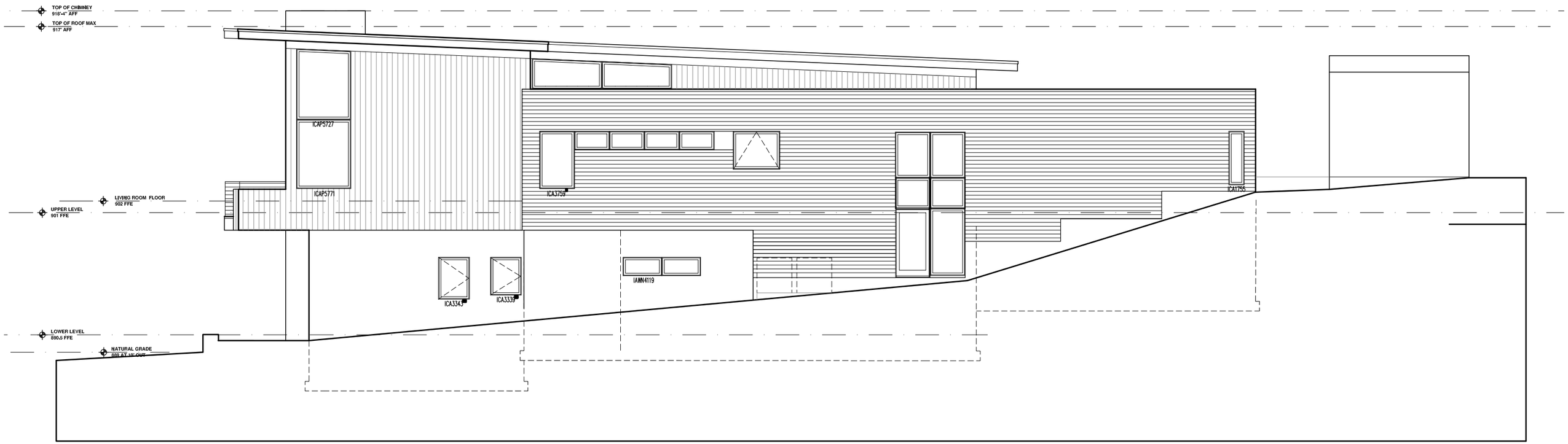
MPLS MN 55403
612.961.1371

CEDAR LAKE NEW HOME
FOR SHERI AND JOHN NESS
1946 CEDAR LAKE PARKWAY, MINNEAPOLIS 55416

A4




1 **PROPOSED NORTH ELEVATION**

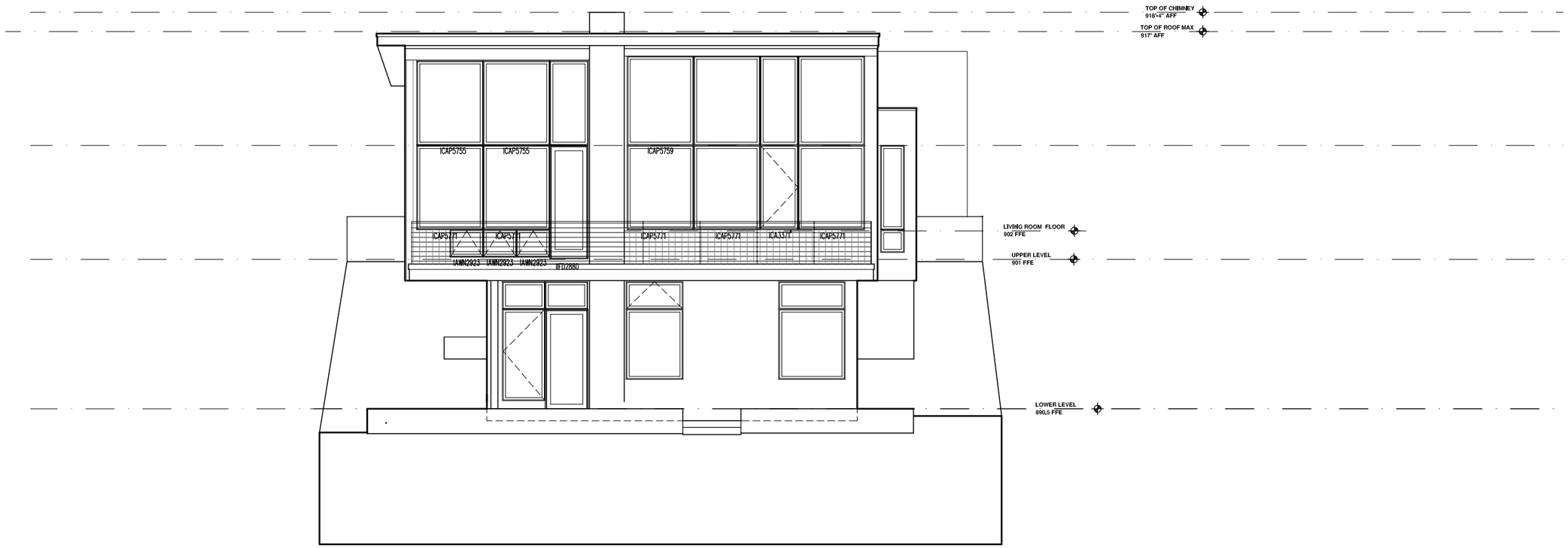
SCALE: 1/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION
05.24. 2016

HAPPY MEDIUM
1705 JAMES AVE S
MPLS MN 55403
612.961.1371

CEDAR LAKE NEW HOME
FOR SHERI AND JOHN NESS
1946 CEDAR LAKE PARKWAY, MINNEAPOLIS 55416

A5




1 **PROPOSED EAST ELEVATION (AT PARKWAY)**

SCALE: 1/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION
05.24. 2016

HAPPY MEDIUM
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612.961.1371

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FOR SHERI AND JOHN NESS
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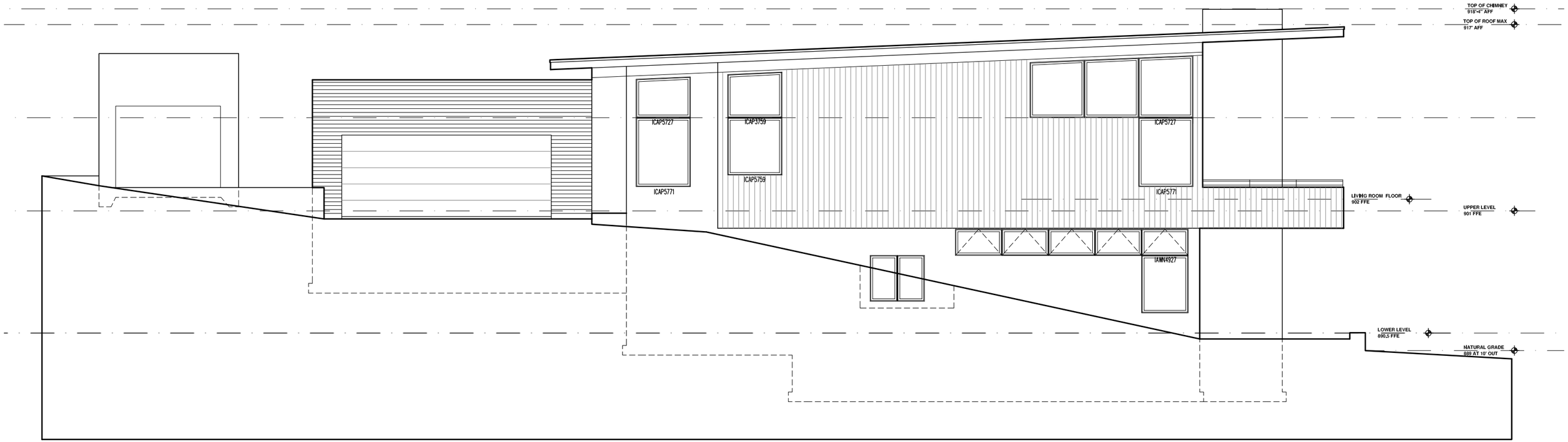
A6




## 1 PROPOSED SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION
05.24. 2016

HAPPY MEDIUM
1705 JAMES AVE S
MPLS MN 55403
612.961.1371

CEDAR LAKE NEW HOME
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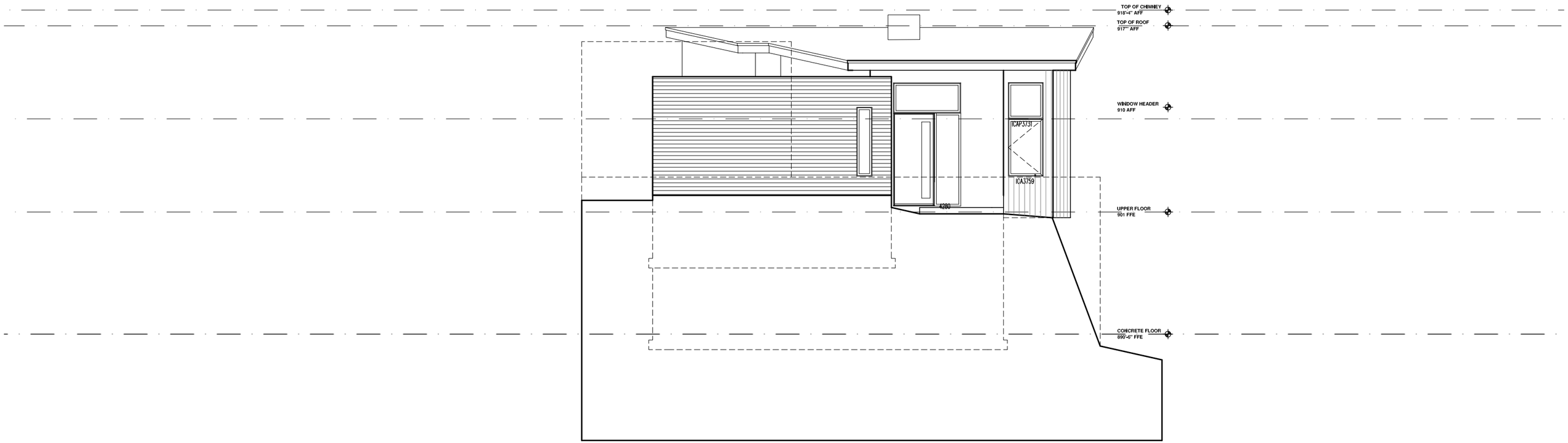
A7




1 **PROPOSED WEST ELEVATION (AT DRIVEWAY)**

SCALE: 1/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION
05.24. 2016

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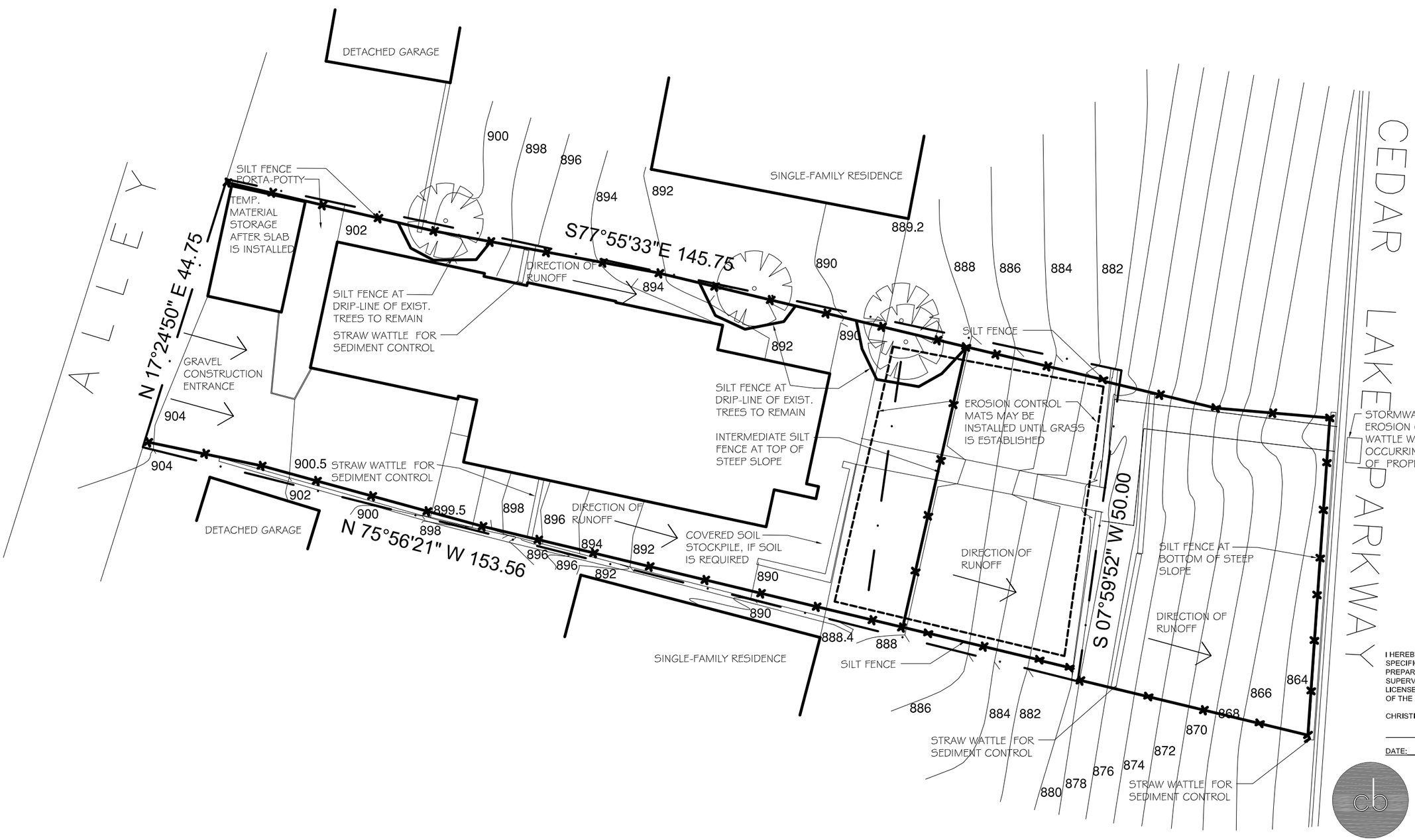
A8




# CEDAR LAKE NEW HOME
FOR SHERI AND JOHN NESS
1946 CEDAR LAKE PARKWAY, MINNEAPOLIS 55416

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER BY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA

CHRISTINE BLEYHL, AIA

DATE: LIC #:

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1 **PRELIMINARY EROSION CONTROL PLAN**

SCALE: 1/16" = 1'-0"

NORTH

VARIANCE APPLICATION
05.24.2016

ECP1

1946

From Parkway looking west

1946 Cedar Lake Parkway

From steep slope looking west

1946 Cedar Lake Parkway

Driveway looking east

Alley looking north

1946 Cedar Lake Parkway

Rear yard at driveway

Rear yard toward alley

1946 Cedar Lake Parkway

Driveway looking north

Driveway looking east

1946 Cedar Lake Parkway

Driveway looking toward retaining wall

Driveway looking east

1946 Cedar Lake Parkway

Between side yards at north looking west

Between side yards at south looking west

1946 Cedar Lake Parkway