



**CPED STAFF REPORT**  
Prepared for the Board of Adjustment

BOA Agenda Item #7  
September 11, 2014  
BZZ-6741

**LAND USE APPLICATION SUMMARY**

*Property Location:* 1812 Emerson Ave S  
*Prepared By:* [Joseph.Giant@minneapolismn.gov](mailto:Joseph.Giant@minneapolismn.gov), City Planner, (612) 673-3489  
*Applicant:* Clement Pryke  
*Project Contact:* Clement Pryke  
*Required Applications:*

<b>Appeal of Zoning Administrator</b>	<ul style="list-style-type: none"> <li>• Appeal of the decision of the Zoning Administrator that an existing treehouse is in violation of the zoning code and should be removed.</li> </ul>
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**SITE DATA**

<b>Existing Zoning</b>	R2B Two-Family District
<b>Lot Area</b>	10,125 Square Feet / 0.23 Acres
<b>Ward(s)</b>	7
<b>Neighborhood(s)</b>	Lowry Hill
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	NA
<b>Small Area Plan(s)</b>	NA

<b>Date Application Deemed Complete</b>	August 13, 2014	<b>Date Extension Letter Sent</b>	NA
<b>End of 60-Day Decision Period</b>	October 13, 2014	<b>End of 120-Day Decision Period</b>	NA

## BACKGROUND

**REASON FOR APPEAL.** The Appellant, Clement Pryke, contests a decision of the Zoning Administrator that the treehouse located at 1812 Emerson Ave S is in violation of the zoning ordinance and should be removed. The appellant states “the height of a treehouse should be measured from its ‘flying’ foundation and not from the ground. Just as trees are tall objects not covered by the code, structures wholly supported by trees should also not have their height controlled as if they had a ‘virtual’ column extending to ground level.”

The Zoning Administrator has determined that a treehouse is substantially similar to a playhouse, which is a type of accessory structure, and therefore a treehouse should be regulated as an accessory structure.<sup>1</sup>

**BACKGROUND.** The subject structure was constructed in summer 2012, in a tree near the southern interior property line of the lot located at 1812 Emerson Ave S in the R2B Two-Family zoning district. The structure is located approximately 6 inches from the southern property line and approximately 26 feet from the front property line. The top of the treehouse (measured to the midpoint of the peak and the eave) is approximately 22 feet above natural grade. A land survey depicting the location of the treehouse in relationship to surrounding land uses is available in the Additional Materials.

The timeline below highlights the City’s involvement with this situation. Documents generated by zoning enforcement are available in the Additional Materials:

- **August 1, 2012** – A zoning complaint was filed by the neighbor to the south of the subject property in regards to the height and location of the treehouse;
- **August 27, 2012** - An inspection revealed that the treehouse had been constructed in the required yard at the subject property. A Notice of Non-Compliance was issued stating the nature of the violation and the actions required to correct it;
- **October 15, 2013** – A final warning letter was sent to the property owner stating fines would be levied if the treehouse remained in violation of the zoning code;
- **May 21, 2014** – An Administrative Citation was issued for failure to comply with the orders;
- **May 23, 2014** – A Re-inspection Fee Billing Statement was levied against the property owner for failing to correct the violation;
- **August 13, 2014** - The application for an Appeal of a Decision of the Zoning Administrator was deemed complete and a public hearing was scheduled for September 11, 2014.

The appellant contacted CPED staff after the August 27, 2012, Notice of Non-Compliance was issued. Upon learning that two variances (one to reduce the required interior side yard, one to increase

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<sup>1</sup> **520.160 - Accessory structure.** A structure detached from a principal structure, incidental and subordinate to the principal structure or use, including but not limited to garages, sheds, above-ground swimming pools, and fences.

maximum height) would be required to keep the treehouse in its current location, the appellant stated that he “became discouraged at the prospect of such an outlay with no idea as to the probability of success and ... did nothing further.”

After the final warning letter was sent in late 2013, the appellant again attempted to legitimize the treehouse, but learned that obtaining a height variance would not be possible because the treehouse exceeded the maximum height allowed by variance for an accessory structure.

Official documentation as well as materials submitted by the applicant indicate that the treehouse has been and continues to be in violation of the zoning ordinance due to its excessive height and its location in the required interior side yard setback. The following analysis explains the manner by which treehouses are regulated by the zoning code and applies that reasoning to the treehouse at the subject property.

**PUBLIC COMMENTS.** Any correspondence received prior to the public meeting will be forwarded to the Board of Adjustment for consideration.

## ANALYSIS

*In accordance with Chapter 525, Article IV Appeals, Section 525.170(1) “Appeals of decisions of the zoning administrator,” the Department of Community Planning and Economic Development has analyzed the application and made the following findings:*

### Appeal of Decision of Zoning Administrator

The word “treehouse” is not explicitly used in the zoning ordinance. In instances when a particular use or structure is not defined in the code, it is the duty of the Zoning Administrator to issue a statement of clarification, finding that the use or structure is either substantially similar in character and impact to a use or structure defined in the code or that it is not sufficiently similar to any other use or structure. If it is not sufficiently similar to any other use or structure regulated in the zoning ordinance, then it is prohibited (525.80).

Therefore, if a treehouse was determined to be **not** substantially similar to a defined use or structure then it would be prohibited.

However, the Zoning Administrator has determined that a treehouse is substantially similar to a playhouse, and according to 537.110, a playhouse is allowed as an accessory structure. Thus, treehouses are allowed in the city of Minneapolis. They are regulated in the same manner as playhouses, which are identified as accessory structures.

In order to ensure that accessory structures, including treehouses, are not injurious to the use and enjoyment of surrounding properties, the zoning code limits their height and placement (537.20.5). The maximum height of an accessory structure in a residential district is 12 feet, although the maximum height can be increased to 16 feet under certain circumstances (537.50[b]). The maximum height applies to all accessory structures unless otherwise noted in the code (for example, flagpoles and freestanding radio and television antennas can be as tall as 35 feet [535.490, 535.110]). Treehouses are determined

to have use characteristics substantially similar to a playhouse, and are therefore subject to the same height requirements as a playhouse.

In certain cases, a variance to increase the height of an accessory structure could be granted if the request meets the required findings.<sup>2</sup> However, variances can only be granted in the instances explicitly listed in 525.520, and in no others (525.520).

Accessory structures are intended to be subordinate to the principal structure (537.20). For this reason, a variance to increase the height of an accessory structure allows a height increase to a maximum of 60% of the height of the principal structure according to 525.520(4):

*525.520(4): Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded, and provided further that the maximum height of any accessory structure shall not exceed sixteen (16) feet or sixty (60) percent of the height of the structure to which it is accessory, whichever is greater.*

The height of the treehouse is approximately 22 feet above natural grade while the height of the principal structure is approximately 30 feet. Thus, the height of the treehouse is more than 70% of the height of the principal structure. Therefore, a variance cannot be lawfully granted to allow the treehouse to exist at its current height unless the text of the zoning ordinance was amended.

If the height of the treehouse was reduced to 18 feet the appellant could apply for a variance to keep the treehouse in its present location. However, the appellant would still be required to meet the required findings for both the height and the setback variances. The subject lot is more than 10,000 square feet in area – more than twice the size of a typical Minneapolis zoning lot in the R2B zoning district. No other suitable trees to build another entirely tree-supported treehouse may exist on the property, but there is ample space to build a free-standing structure that complies with the zoning ordinance. Due to the documented adverse impact on the neighbor to the south as well as the

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<sup>2</sup> **525.500 – Required findings for variance** - A variance may be granted from the regulations of the zoning code only when the applicable board, commission, or council makes each of the following findings based upon the evidence presented to it in each specific case:

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.
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.
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.

incongruence with the spirit and intent of the ordinance regarding setbacks<sup>3</sup> and accessory uses<sup>4</sup>, a variance request would likely not meet the required findings.

The appellant states that the height of a treehouse should be measured from the base of the structure rather than from natural grade. In almost all instances, height is not measured from the base of a structure. Rather, height is measured as the vertical distance from natural grade measured at a point 10 feet away from the front center of the structure to the average distance between the eave and the peak for a gable roof (520.160):

*520.160: **Height, structure or building.** The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure including parapets, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs. Dormers exceeding fifty (50) percent of the building width below a gable, hip and gambrel roof shall be included in the measured vertical distance. Except in the SH Shoreland Overlay District, roof-top mechanical equipment and enclosures less than fourteen (14) feet tall on a flat roof shall not be included in the height provided the equipment and enclosures are set back from the exterior walls one (1) foot for every one (1) foot they extend above the roof surface.*

A well-engineered structure located entirely within a tree would have essentially the same visual impact, bulk, and use characteristics as a structure that derived its support partially or entirely from pillars extending to the ground. As such, the absence or presence of support beams does not change the manner in which height is calculated.

Calculating the height of a treehouse differently than other accessory structures could have negative consequences in regards to public safety and welfare, especially in a dense urban environment like Minneapolis. Changing the height restrictions for treehouses would apply to all treehouses, regardless of geographic location, potential user behavior, or the quality of engineering, which is of particular importance, because, as the appellant states, building permits are not required for their construction. Measuring height differently for structures that do not touch the ground could inadvertently lead builders to sacrifice structural stability for greater height.

Measuring height from the base of the structure rather than from natural grade could lead to adverse impacts for neighboring properties. Essentially, if height were measured in this manner, a garage-sized structure could be built up in a tree. Further, a treehouse that sat in the middle of two long beams extending between two trees located on opposite sides of a yard, but hovering above the ground in the middle of the yard, would be permissible. Alternatively, a series of treehouses connected by short

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<sup>3</sup> 535.220 - The purpose of yard requirements is to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the location of uses and structures.

<sup>4</sup> 537.20(5) - Accessory uses and structures shall not be injurious to the use or enjoyment of surrounding properties.

ladders could extend upwards indefinitely using this measurement technique as long as the structures were independent of one another.

The treehouse is approximately 6 inches from the southern property line and approximately 12.25 feet from the principal structure on the adjacent lot to the south. The required interior side yard in the R2B district is 5 feet, so the treehouse is squarely in the setback. The treehouse has doors, windows, and a small deck that face the neighboring house, allowing views directly into the second-story windows. The location and use of the treehouse prompted the neighbor to file a complaint. Several pictures are available in the Additional Materials showing the treehouse in relation to the adjacent house.

The applicant states that the treehouse should be allowed to remain because it "is visually pleasing and arguably an asset to the appearance of the neighborhood rather than a detriment." However, the treehouse has caused a documented adverse impact on the neighboring property for over two years. In an effort to demonstrate its beneficial nature, the appellant gathered signatures from residents on the block stating their support for the treehouse. The neighbor most affected by the placement of the treehouse did not sign the petition.

In conclusion, the zoning ordinance contains clear provisions for regulating uses and structures deemed substantially similar to those defined in the zoning code. Treehouses are allowed in Minneapolis because they are deemed to be substantially similar to playhouses, and playhouses are subject to the same standards for location, height, and bulk as accessory structures. Those standards were created to provide for the orderly development and use of land, and to minimize conflicts among land uses (537.10). Treating a treehouse differently than other accessory structures with regards to height and placement is inconsistent with the spirit and letter of the zoning ordinance, and the adverse impact on the neighbor clearly illustrates the importance and necessity of upholding these provisions in a consistent manner.

The initial complaint was filed two years ago, and since then the appellant has repeatedly feigned attempts to legitimize the structure in order to avoid removing the treehouse and paying any fines for the citations it has incurred. The Zoning Administrator and zoning inspectors have acted in good faith that Mr. Pryke would seek to legitimize his treehouse or remove it. Two years have passed, no fines have been paid, and the treehouse remains intact in its original state. In light of this and the preceding analysis, the Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **deny** the appeal of the Zoning Administrator that the treehouse located at 1812 Emerson Ave S should be allowed to remain.

## STAFF RECOMMENDATION

The Department of Community Planning and Economic Development recommend that the Board of Adjustment adopt staff findings and **deny** the appeal of the zoning administrator that the treehouse located at 1812 Emerson Ave S should be allowed to remain.

## ATTACHMENTS

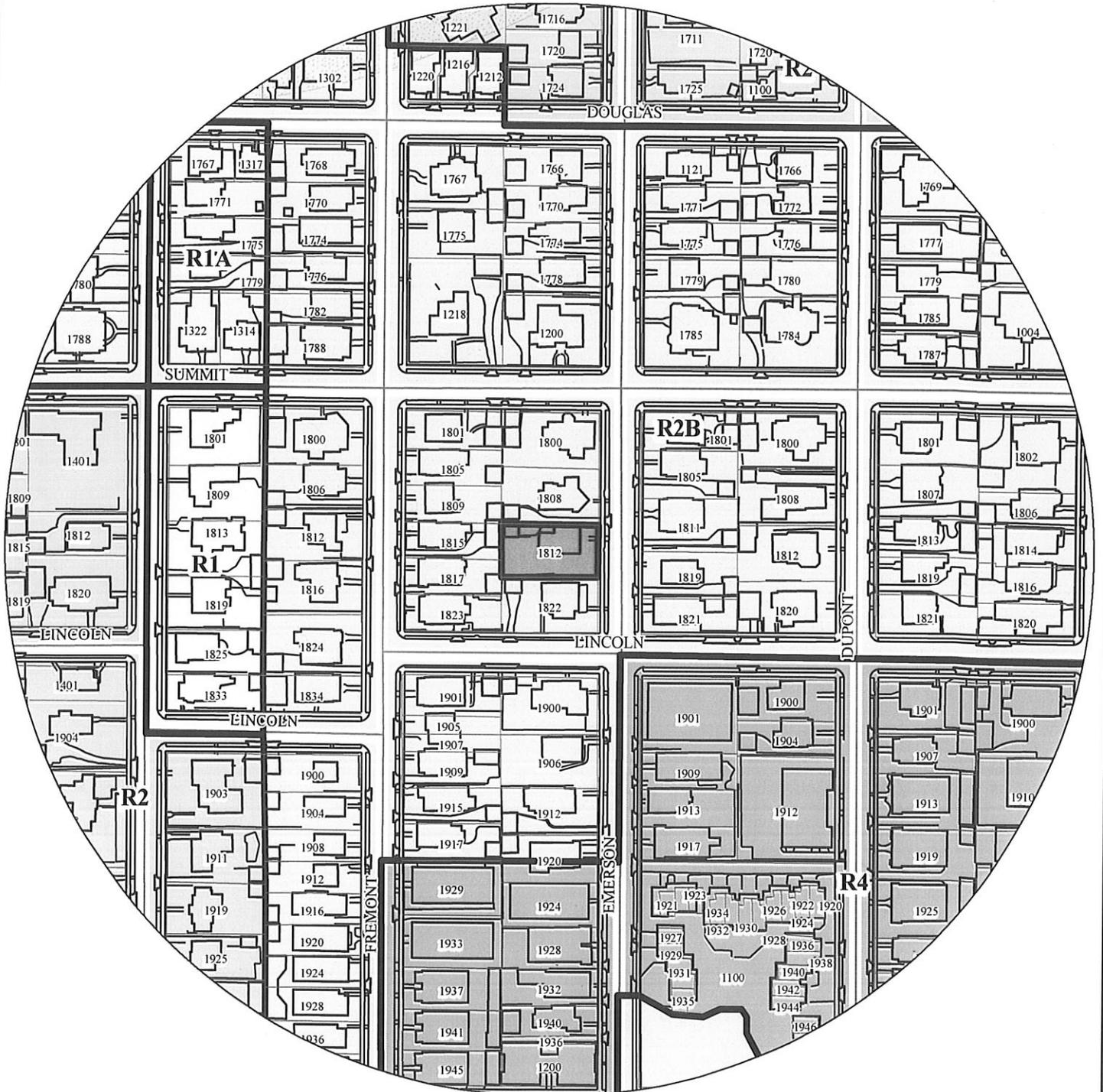
1. Zoning map
2. Reason for appeal (submitted by applicant)
3. Land survey
4. Zoning enforcement documents
5. Photos from applicant
6. Additional photos
7. Letter from Daniel Pryke
8. Petition to keep treehouse

Clement Pryke

7th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

1812 Emerson Ave S

FILE NUMBER

BZZ-6741

## 1812 Emerson Ave S. Treehouse - Appeal Statement

Four years ago my wife and I moved to Minneapolis from Chicago to take up professorships in the Physics Department at the University of Minnesota Twin Cities. The move was somewhat traumatic for our son Daniel who had just finally settled into his school in Chicago at that time. When we were looking at the house we eventually bought at 1812 Emerson Ave S. he noticed that it had a large tree growing next to it and I somewhat rashly said that if we bought the house then we would build a treehouse — something he had always wanted.

Daniel did not forget the promise and by the summer of 2012 we were fully settled in and I was all out of excuses to delay. Looking more carefully at the location of the trees I could see that the treehouse was going to be somewhat close to the property line and also visible from the street. Perhaps naively I didn't think this would be a problem and I was unaware that there were detailed regulations concerning this sort of thing. I was aware that the adjacent house was rented to college students and that the owner lived out of state<sup>1</sup>.

Because the treehouse was going to be visible from the street I deliberately set out to build a very nice “classical” one. I paid the extra money for cedar wood and built it to a good standard of strength and appearance. I wanted it to be a proper treehouse — fully supported by the trees and at a height in proportion to the size of the trees.

At the end of August 2012 we received a letter from the Minneapolis planning department informing us that the treehouse was in violation of the required yard provisions of the planning code. I spoke to the inspector named on the letter (Paul Smith). He was sympathetic and very reasonable. He suggested that we might file an application for a variance to the required yard regulation, and that he would give me some time to do so, but could give me no indication as to the probability of success. I visited the planning department office and met with a planner (Chris Vrchota). He told me that I would need to apply for variances on both the location of the treehouse and the height at a total cost of \$1350.

I did some research reading the Board of Adjustment meeting minutes but I couldn't find anything remotely similar. I must admit that at this point I became discouraged at the prospect of such an outlay with no idea as to the probability of success and I did nothing further.

Last fall I received a final warning letter and again contacted Paul Smith. At this time he discussed the matter with the Zoning Administrator and opined that while we could file a variance application they would likely recommend denial. I contacted the Lowry Hill Neighborhood Association (David Weinstein) and ward council person (Lisa Goodman) and attended several LHNA meetings. On the basis of the sympathetic feedback I received I decided to go ahead with the variance application and obtained the mailing address package. We also canvassed our neighbors asking them to sign a petition of support (see attached).

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<sup>1</sup>This was true at the time. However the owner (John Hennen) has since moved back and does now live there.

I then formally requested an application intake meeting and received a reply from Brad Ellis. Brad said that a variance to the maximum height requirement was not possible as there is a stipulation in the planning code that even with a variance any accessory structure may not exceed 60% of the height of the main house. Using the formula in the planning code results in more like 70% for our treehouse.

At this point I contacted Lisa Goodman. Her assistant Patrick Sadler spoke to Steve Poor (the Zoning Administration Manager) and told me that Steve was prepared to meet with me to discuss the matter. I emailed Steve in February of this year but did not get a reply. I then became discouraged again and did nothing further.

In May of this year I received a citation just before I was about to leave for an extended business trip abroad. I finally managed to speak to Steve and he told me that I could in fact bypass the variance application step and file an "Appeal of the Zoning Administrator's determination". This was the first time I had heard of this possibility.

Having spent some time studying the Minneapolis zoning code I agree that if one treats a treehouse as a super tall shed then our treehouse is not eligible for a height variance. However since our treehouse is wholly supported by the trees (zero direct support from the ground), and trees are "structures" which are quite outside of the zoning code, it seems quite unclear as to whether we should in fact measure its height from the ground. The zoning code does not appear to mention treehouses specifically. However the planning department has apparently already decided to treat treehouses as a special case — at <http://www.minneapolismn.gov/www/groups/public/@regservices/documents/webcontent/wcms1p-091981.pdf> it states that building permits are not required for treehouses. We contend that the height of a treehouse should be measured from its "flying" foundation and not from the ground. Just as trees are tall objects not covered by the code, structures wholly supported by trees should also not have their height controlled as if they had a "virtual" column extending to ground level. For a treehouse to look attractive it is actually necessary that its position within the tree be in proportion to the size of the tree — perhaps a third of the way up.

The above notwithstanding I actually would not personally advocate that property owners be free to place any kind of structure in trees on their property. This is why I took some care and expense to build a treehouse which is visually pleasing and arguably an asset to the appearance of the neighborhood rather than a detriment. Certainly when working in the front yard we have received many, many compliments from passersby as to the appearance of the treehouse. Please review the attached petition which all the neighbors on our block signed with the exception of the neighbor to whose house the treehouse is closest (John Hennen). I have been unable to speak to John about the matter — he appears to prefer not to communicate with me.

I am sensitive to John's concerns. As already mentioned we built the treehouse where it is only because that is the location of the only large trees on our property. While it is physically close to his house, during the summer (when it is used), it is actually pretty well shrouded by leaves. In addition while my son (Daniel) dearly loves his treehouse, being a typical over-scheduled modern child he does not actually spend a huge amount of time in

it, and when he does it is more often quiet time reading rather than noisy and over-excited play.

So in summary we request that a decision be made to measure the height of treehouses from their “virtual” foundation and not from the ground and a variance be granted to the required yard provisions for the treehouse at 1812 Emerson Ave S. We offer the following as possible additional conditions should this be allowed:

- At the very latest the treehouse will be taken down the year that Daniel leaves for college (summer of 2019).
- The treehouse is very strong and well engineered. It will be maintained to ensure that this continues to be the case and that it remains safe. We will also have the supporting trees regularly trimmed by a certified arborist to ensure that they remain healthy.
- The existing aluminum ladder will be replaced by an unobtrusive wooden one. (We would have done this already but it did not seem worthwhile given the uncertainty as to whether the treehouse would have to be taken down.)
- Lengthy and noisy play in and around the treehouse will not be permitted.
- Use of the treehouse will be restricted to our son and a small number of his immediate friends.
- The treehouse will not be modified or extended from its existing simple state. In particular no electricity or plumbing or the like will ever be installed.

Attachments:

- Photographs of the treehouse and its location.
- A letter from our son Daniel.
- Survey of the property with the location of the treehouse marked.
- Petition in support of the treehouse signed by neighbors and a map indicating the locations of the houses whose owners signed.
- Front elevation and dimension sketches of the treehouse.
- A CD containing an electronic copy of the above as a pdf file.
- The mailing address package.
- The filing fee -  $\$365 + \$25 + \$0.49 \times 122 \text{ properties} = \$449.78$ .

We sincerely request that the treehouse be allowed to remain. If the Board of Adjustment is unable to make such a decision we request that they refer the matter to the City Council. We apologize for the inconvenience and usage of official time which this matter may have caused, and express our gratitude for the patience which the Planning Department have had with us thus far.

Yours Sincerely,

Clem Pryke, Daniel Pryke and Lucy Fortson

CITY OF MINNEAPOLIS  
COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION, ZONING ENFORCEMENT SECTION  
110 PUBLIC SERVICE CENTER  
250 SOUTH 4TH STREET  
MINNEAPOLIS, MINNESOTA 55415

CLEMENT PRYKE  
1812 EMERSON AVE S  
MPLS,MN 55403-2910

**NOTICE OF NON-COMPLIANCE**

30-AUG-12  
Request Number: 12-0933394

**RE: 1812 EMERSON AVE S**

On **27-AUG-12** an inspection of the premises at the above address disclosed conditions that are in non-compliance with the Minneapolis Code of Ordinances. Please make the corrections listed below by the due dates. A re-inspection will be conducted after the due date to assure all non-compliant issues have been corrected.

If all non-compliant items listed below have been corrected, no re-inspection fee will be charged. If the non-compliant items are not corrected you will be required to pay a two hundred dollar (\$200.00) fee for any subsequent inspection per Sections 525.570 (a) and (b).

The following corrections are required:

*The required yard must be unobstructed except as authorized in Table 535-1, permitted obstructions. Minneapolis Code of Ordinances 535.230, 535.240, 535.280, 546.160, 546.280, 546.340, 546.400, 546.460, 546.510, 546.560, 546.610, 547.160, 548.140, 548.160, 549.120, 549.140, 550.160, and 550.170.*

*Inspector's Comments: ACCESSORY STRUCTURES ARE NOT AN ALLOWED OBSTRUCTION IN THE REQUIRED YARD. THE TREE HOUSE IN YOUR FRONT YARD MUST BE REMOVED OR RE-LOCATED OUT OF THE REQUIRED YARD. BUILDING PERMITS MAY ALSO BE REQUIRED PRIOR TO CONSTRUCTION.*

*Due Date: 13-SEP-2012*

This order may be appealed to the Board of Adjustment no later than 3:30 p.m. **10-SEP-12**. If you wish to appeal this order or have questions about the appeal process, please call 612-673-3000 ('311' if within the City of Minneapolis) **and ask for a service request to be**

**created for “Zoning”** or visit the Zoning Office, located at 250 South 4<sup>th</sup> Street, Room 300, between the hours of 8:00-3:30 p.m.

If you have any questions or concerns regarding this order, please call me:

**PAUL SMITH, ZONING INSPECTOR II,**  
**Phone: (612) 673-5810**  
**Email: paul.smith@minneapolismn.gov**

**Code Information:**

The Minneapolis Code of Ordinances is available on computer terminals at:

- ◆ Minneapolis Public Library, Government Documents Section
- ◆ City Clerk’s Office, Room 304 City Hall, 350 South 5<sup>th</sup> Street

The code is also available through the Internet using the Minneapolis home page, [www.ci.minneapolis.mn.us](http://www.ci.minneapolis.mn.us)

Below are the steps to guide you through the web page:

- ◆ Go to How do I find out about...
- ◆ Select Minneapolis Ordinances
- ◆ Click the GO button
- ◆ Click on Minneapolis Code of Ordinances
- ◆ Enter your subject or ordinance code and click on Send Query

CITY OF MINNEAPOLIS  
CPED, ZONING ENFORCEMENT SECTION  
300 PUBLIC SERVICE CENTER  
250 SOUTH 4TH STREET  
MINNEAPOLIS, MINNESOTA 55415

CLEMENT PRYKE  
1812 EMERSON AVE S  
MPLS,MN 55403-2910

## FINAL WARNING LETTER

24-OCT-13  
Request Number: 12-0933394

### RE: 1812 EMERSON AVE S

On **15-OCT-13** a re-inspection concerning the attached orders was conducted at the above referenced property. The Zoning Enforcement Office has determined the following non-compliant items have not been corrected:

*The required yard must be unobstructed except as authorized in Table 535-1, permitted obstructions. Minneapolis Code of Ordinances 535.230, 535.240, 535.280, 546.160, 546.280, 546.340, 546.400, 546.460, 546.510, 546.560, 546.610, 547.160, 548.140, 548.160, 549.120, 549.140, 550.160, and 550.170.*

*Inspector's Comments: ACCESSORY STRUCTURES ARE NOT AN ALLOWED OBSTRUCTION IN THE REQUIRED YARD. THE TREE HOUSE MUST BE REMOVED OR RE-LOCATED OUT OF THE REQUIRED YARD. BUILDING PERMITS MAY ALSO BE REQUIRED*

*Original Due Date: 13-SEP-2012*

**This is your final notification.** A re-inspection will be conducted after 07-NOV-2013. Due to your failure to correct these non-compliant items, you may be required to pay two hundred dollars (\$200.00) for each additional inspection. Failure to comply with this order will result in legal action including but not limited to administrative or criminal citations, Hennepin County Court, or business license revocation.

If you have any questions or concerns regarding this order, please call or email:

**PAUL SMITH (612) 673-5810 paul.smith@minneapolismn.us**

**Code Information:**

The Minneapolis Code of Ordinances is available on computer terminals at:

- ◆ Minneapolis Public Library, Government Documents Section
- ◆ City Clerk's Office, Room 304 City Hall, 350 South 5<sup>th</sup> Street

The code is also available through the Internet using the Minneapolis home page, [www.ci.minneapolis.mn.us](http://www.ci.minneapolis.mn.us)

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CITY OF MINNEAPOLIS  
 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT  
 PLANNING DIVISION, ZONING ENFORCEMENT SECTION  
 300 PUBLIC SERVICE CENTER  
 250 SOUTH 4TH STREET  
 MINNEAPOLIS, MINNESOTA 55415

23-MAY-14

CLEMENT PRYKE  
 1812 EMERSON AVE S  
 MPLS,MN 55403-2910

**ADMINISTRATIVE CITATION**

This citation charges you with a violation of Minneapolis City Code of Ordinances.

**Violation Number:** 12-0933394  
**Violation Location:** 1812 EMERSON AVE S  
**Violation Date:** 21-MAY-14  
**Violation Type:** Zoning  
**Violation:** Fail to comply with written orders, Minneapolis Code: YARD REQUIREMENTS.  
**Fine:** \$200 (If not paid by a 10% late payment fee will be added)

**Failure to pay or appeal this citation within twenty (20) days will result in increased penalties and fees assessed. Also, increased penalties and fees may result if an appeal is heard and denied by the Hearing Officer.**

**Warning– A new citation may be issued for every day this violation exists and is not remedied. The fine schedule is as follows:**

1<sup>st</sup> Offense.....\$200  
 2<sup>nd</sup> Offense.....\$400  
 3<sup>rd</sup> Offense.....\$800  
 4<sup>th</sup> Offense.....\$1,600  
 All Subsequent Citations.....\$2,000

Per MCO 259.15 and MCO 360.140, failure to pay all financial claims associated with zoning compliance orders (including but not limited to unpaid administrative citations and/or re-inspection fees) may result in adverse license action for any City of Minneapolis licensed business at this location. Adverse license action may include denial or revocation of any business license application.

**For more information about this citation you may contact:**

*Micro-Perforated: Detach and return this portion with payment. Do not fold this stub.*

ZONING ENFORCEMENT CITATION BILLING STATEMENT

**Do not combine this payment with any other city billing.**

**If you have not paid by the due date a 10% late payment fee will be added**

<b>Location:</b> 1812 EMERSON AVE S	<b>MAIL PAYMENTS TO:</b> Planning Division ZONING ENFORCEMENT 250 South 4 <sup>th</sup> St, Suite 110 Minneapolis MN 55415-1316	<b>Date Due:</b>	<b>Amount Due Now:</b> \$ 200
<b>Please write this on your check:</b> 12-0933394	<b>Make Checks payable to:</b> Minneapolis Finance Department	Amount Due After \$ 220	

PAUL SMITH (ZPMS), ZONING INSPECTOR II, Phone: (612)673-5810

*Micro-Perforated: Detach and return this portion with payment. Do not fold this stub.*

RAINLEADER DISCONNECT VIOLATION BILLING STATEMENT

*Do not combine this payment with any other city billing.*

*If you have not paid by the due date a 10% late payment fee will be added*

Property Location: <b>1812 EMERSON AVE S</b>	MAIL PAYMENTS TO <b>Zoning Enforcement 250 South 4th St, Suite 414 Minneapolis, MN 55414-1316</b>	Date Due <b>27-AUG-12</b>	Amount Due Now <b>\$2802924430041</b>
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CITY OF MINNEAPOLIS  
 CPED, ZONING ENFORCEMENT SECTION  
 300 PUBLIC SERVICE CENTER  
 250 SOUTH 4TH STREET  
 MINNEAPOLIS, MINNESOTA 55415

CLEMENT PRYKE  
 1812 EMERSON AVE S  
 MPLS,MN 55403-2910

**REINSPECTION FEE BILLING STATEMENT**

**23-MAY-14**

**RFS Number:** 12-0933394  
**Re-inspection Address:** 1812 EMERSON AVE S  
**Re-inspection Date:** 21-MAY-14  
**Re-inspection Type:** Zoning  
**Fine:** \$200.00

**For more information about this re-inspection fee you may contact:**

PAUL SMITH, ZONING INSPECTOR, Phone: (612) 673-5810

**Make Checks Payable to:** MINNEAPOLIS FINANCE DEPARTMENT

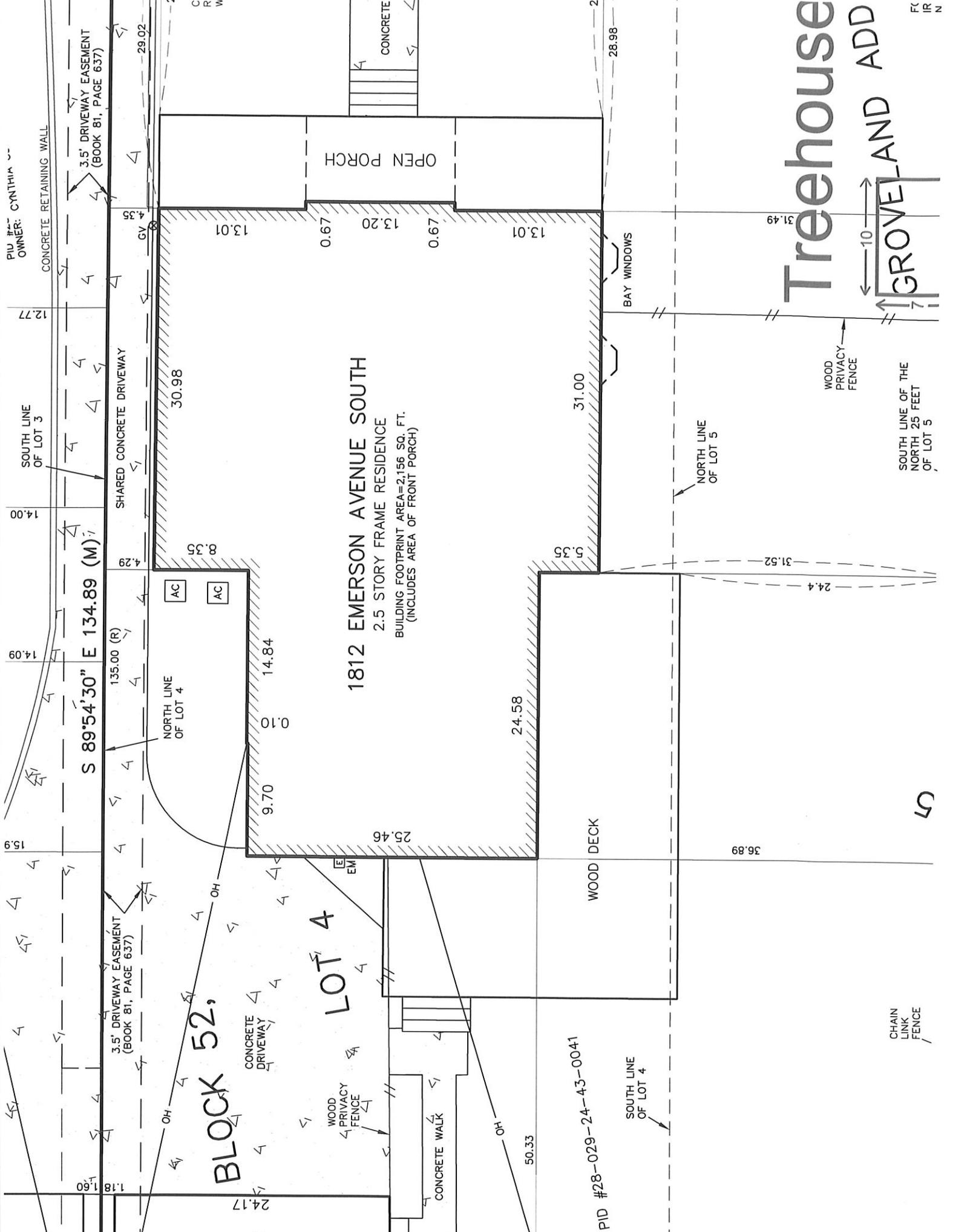
**DO NOT COMBINE THIS PAYMENT WITH ANY OTHER CITY BILLING**

<p><b>Location:</b></p> <p>1812 EMERSON AVE S</p> <p><b>Please mark the above address on your check.</b></p>	<p><b>MAIL PAYMENTS TO:</b></p> <p><b>PLANNING DIVISION, ZONING ENFORCEMENT SECTION</b></p> <p><b>250 South 4<sup>th</sup> St, Suite 110 Minneapolis MN 55415-1316</b></p>	<p><b>Date Due</b></p> <p>June 13, 2014</p>	<p><b>Amount Due</b></p> <p>\$200.00</p>
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Per MCO 259.15 and MCO 360.140, failure to pay all financial claims associated with zoning compliance orders (including but not limited to unpaid administrative citations and/or re-inspection fees) may result in adverse license action for any City of Minneapolis licensed business at this location. Adverse license action may include denial or revocation of any business license application.

**Section 525.570. Fees for re-inspection of property to determine abatement.**

- (a) Initial inspection and first reinspection. There shall be no fee charged for an initial inspection to determine the existence of a zoning ordinance violation, nor any fee for the first reinspection to determine compliance with an order to correct a zoning ordinance violation.
- (b) Subsequent re-inspections. A two hundred dollar (\$200.00) fee shall be charged for each subsequent reinspection occurring after the due date for compliance with an order.
- (c) Notice of re-inspection fee. Every notice of violation and order to correct zoning ordinance violations shall contain a clear and conspicuous explanation of the policy in this section requiring reinspection fees for subsequent reinspections.
- (d) Waiver. Upon written request by the applicant, the zoning administrator or director of regulatory services may, for good cause shown and without any notice or hearing, waive a reinspection fee.



PID #28-029-24-43-0041  
 OWNER: CYNTHIA  
 CONCRETE RETAINING WALL

SOUTH LINE OF LOT 3  
 14.00  
 14.09  
 15.9

S 89°54'30" E 134.89 (M)  
 135.00 (R)  
 14.09  
 14.00

3.5' DRIVEWAY EASEMENT (BOOK 81, PAGE 637)  
 1.60  
 1.18  
 24.17

CONCRETE DRIVEWAY  
 30.98  
 8.35  
 4.29

NORTH LINE OF LOT 4  
 9.70  
 0.10  
 14.84

WOOD PRIVACY FENCE  
 CONCRETE WALK  
 50.33

WOOD DECK  
 25.46  
 36.89

WOOD PRIVACY FENCE  
 CONCRETE WALK  
 5.35

WOOD DECK  
 24.58  
 31.00

WOOD PRIVACY FENCE  
 CONCRETE WALK  
 5.35

WOOD DECK  
 24.58  
 31.00

WOOD PRIVACY FENCE  
 CONCRETE WALK  
 5.35

WOOD DECK  
 24.58  
 31.00

WOOD PRIVACY FENCE  
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 24.58  
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 5.35

WOOD DECK  
 24.58  
 31.00

WOOD PRIVACY FENCE  
 CONCRETE WALK  
 5.35

WOOD DECK  
 24.58  
 31.00

1812 EMERSON AVENUE SOUTH  
 2.5 STORY FRAME RESIDENCE  
 BUILDING FOOTPRINT AREA=2,156 SQ. FT.  
 (INCLUDES AREA OF FRONT PORCH)

LOT 4

BLOCK 52

Treehouse  
 GROVE AND ADD

CHAIN LINK FENCE

SOUTH LINE OF THE NORTH 25 FEET OF LOT 5

NORTH LINE OF LOT 5

FC  
 IR  
 N



Figure 1: View from across the street looking southwest.



Figure 2: View from across the street looking northwest.



Figure 3: View from across the street looking slightly north of west.



Figure 4: Daniel in his treehouse.











1812 Emerson Ave. S  
Minneapolis, MN 55403

August 2nd 2014

Dear City Officials

When we moved from Chicago to Minneapolis I had been wanting a treehouse for years. The only problems with getting one in Chicago were that we didn't have a big enough tree in our yard and it would have been a huge commitment in both time and money for my dad in a period when he was remodeling the house himself to make it the house that would sell before it even hit the market. My dad is good at making things.

Anyways, this is not about my dad's DIY skills, this is about my treehouse. When we moved to Minneapolis I asked my dad if I could have a treehouse again, and this time, when he had no house to remodel, he said yes.

The same problems from Chicago remained however. There was only one tree, or trees more like, that might be able to support the treehouse. These trees grew out of the same stump in a Y shape in respect to each other, so my dad devised a cunning plan to create a slot and groove system where some metal ended boards which span across the space between the two trees rest in grooves which creates the base for my treehouse to lay boards across and also allows the two trees to sway back and forth in the wind and not pull the treehouse apart in the process. After my dad figured this out, we then proceeded to buying the materials. My dad didn't want the wood to become skanky over time so he spent the extra money and bought cedar wood. My dad already had all of the tools needed to make the treehouse because of his long DIY history, so when we got the wood there were no more problems with buying stuff. Then however came the hardest part of all. That was to build it. And it took a long time, not to mention a lot of effort and work. In all it took over a year, including most of the summer when me and my dad could work on it all day. The result was a perfect treehouse. The slot and groove system worked perfectly after some WD40, and my friends and I have spent the night in it several times, without complaint.

The treehouse looks pretty and loads of people have commented on how good it looks. When we were told that it was illegal and that we would have to file a variance to keep my treehouse, we went around + got every body home to sign a sheet saying they were OK with my treehouse being there, in an area of my entire block except for one person, and everybody across the street.

My treehouse is well made, and definitely wouldn't devalue any property around the neighborhood for years to come. It is completely safe as well. Eventually, yes, my treehouse will get old, the wood will rot, and we'll have to take it down, but it still has years of fun left in it and I would really love it if it didn't have to be taken down right now.

Yours sincerely,

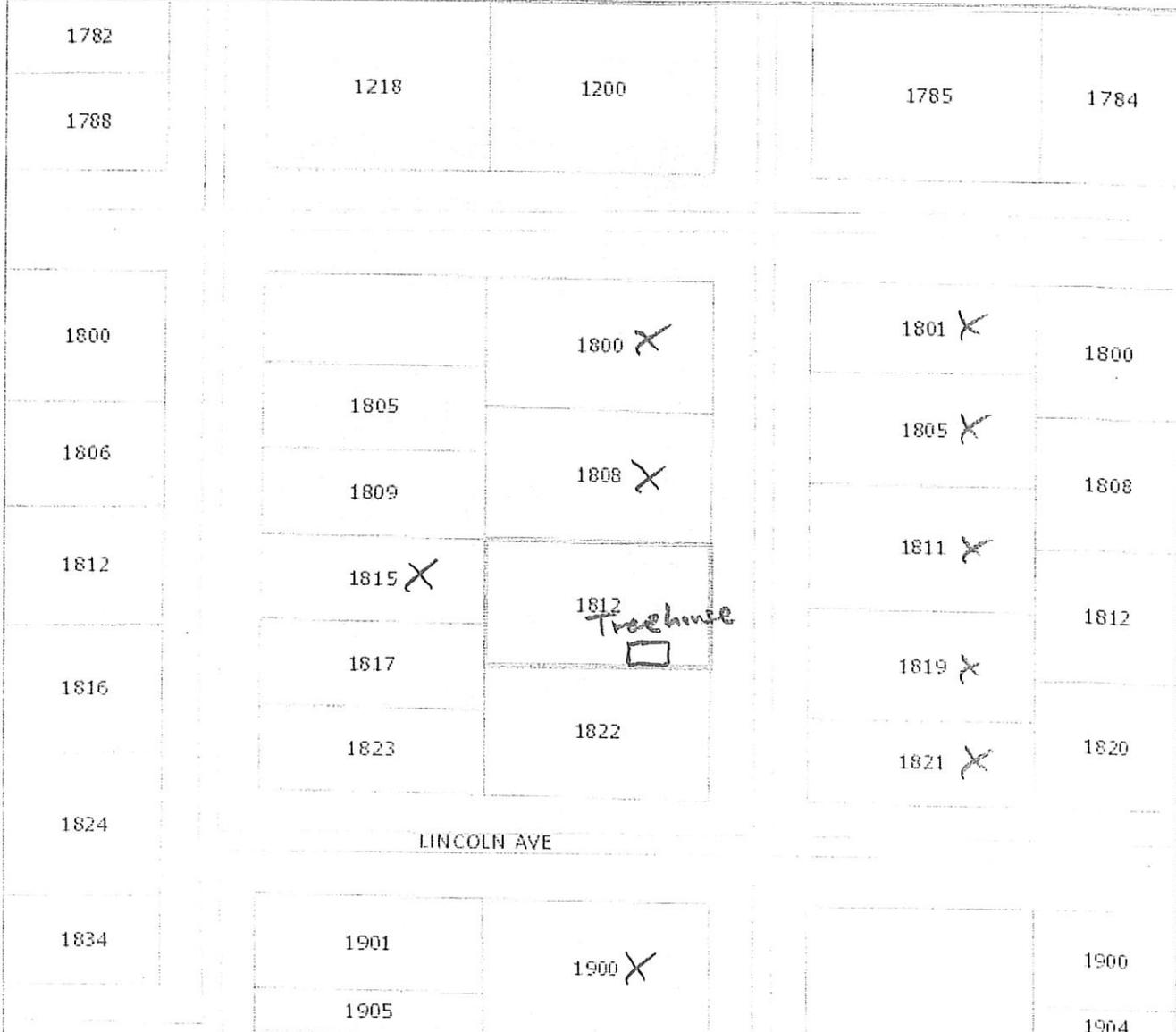
Daniel Pryke



Interactive  
Maps

X = Signed petition of  
Support

# Property Map



LINCOLN AVE

**Parcel ID:** 28-029-24-43-0041

**Owner Name:** Clement Pryke & Lucy Fortson

**Parcel Address:** 1812 Emerson Ave S  
Minneapolis, MN 55403

**Property Type:** Residential

**Home-stead:** Homestead

**Parcel Area:** 0.22 acres  
9,704 sq ft

**A-T-B:** Abstract

**Market Total:** \$659,000

**Tax Total:** \$12,454.00  
(Payable: 2013)

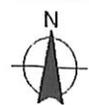
**Sale Price:** \$699,000

**Sale Date:** 08/2010

**Sale Code:** Warranty Deed

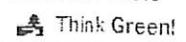
**Map Scale:** 1" ≈ 100 ft.

**Print Date:** 11/17/2013



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

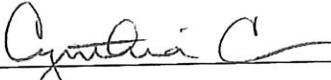
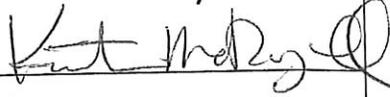
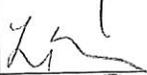
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# Our Block

## Save the Treehouse!

The City of Minneapolis Planning Department has declared that the treehouse at 1812 Emerson Ave S is not allowed and must be removed. We intend to file an appeal to the Board of Adjustment which is a panel of citizens that has the power to grant a variance allowing the treehouse to remain. Please sign below to offer your support for allowing the tree house to remain:

Name	Address	Signature
CYNTHIA CURRAN	1808 EMERSON S	
Roderick Mackayle	1800 Emerson Ave. S.	
Kristen McDougall	1800 Emerson Ave S.	
Eve Mackenzie	1800 Emerson Ave S.	
Shane Swanson	1801 EMERSON AVES	
Chris Spencer	1805 Emerson Ave S	
MARY PLUNKETT	1821 EMERSON AVE	
Lawrence Myer	1819 Emerson Ave S	
Beth Appel	1811 EMERSON AVE S	