

## **STATEMENT OF REASON FOR APPEAL**

August 19, 2014

Deanna E. Hagg appeals all final actions taken by the Planning Commission, in regard to Land Use Applications submitted for the proposed Theatre Garage and Marquee Apartments project, BZZ-6675, at its meeting on August 11, 2014, on the basis that the size, scale, and character of the Applicant's proposal are inconsistent with the traditional urban form, overall building height, and character-defining features of the Lowry Hill East Neighborhood zoning districts and the buildings along Franklin Avenue.

Additionally, the conditional use permit and variances do not protect the character and stability of residential areas. They do not allow for adequate light, air, or privacy. State fire marshal criteria (Section 503.1.1) states that due to the lack of an access road designed for use with fire apparatus – land and aerial – the new construction prevents convenient access to properties and does not secure the safety of neighboring buildings.

No unique circumstances exist and the variances are based on economic considerations alone.

1. **CONDITIONAL USE PERMIT** to increase the height of the building from 4 stories/56 feet to 73 feet-6 inches.

The Planning Commission erred in its approval of this Conditional Use Permit because the application failed to meet the required criteria of Section 525.340, for the proposed conditional use, and because the Applicant also failed to meet the criteria for a conditional use permit for increased height, as provided in Section 548.110.

2. **VARIANCE** to reduce the minimum rear yard setback from 15 to 3.5 feet and a **VARIANCE** to reduce the south interior side yard setback from 15 feet to 5 feet.

The Planning Commission erred in its approval of both variances because the Applicant failed to meet the requirements of Chapter 525.500.

3. **SITE PLAN REVIEW**

The Planning Commission erred in its approval of the site plan for this project, because the Applicant's Site Plan: 1) fails to conform to all applicable standards of Chapter 530, Site Plan Review; and 2) fails to conform to all applicable regulations of the zoning ordinance and is not consistent with applicable policies of the comprehensive plan.

- A. By approving a conditional use permit for increased height, the Planning Commission is:
1. Ignoring the character of the surrounding buildings, allowing for an unknown future.
  2. Adding a conditional use permit above C-2 changes this district to a level rarely seen outside of downtown, used exclusively for hi-rise buildings as an OR3 Institutional Office Residence District. 4 Stories are the standard scale of our zoning code and this will be 6 stories backing against residential buildings.

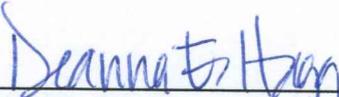
This conditional use permit will also be injurious to the use and enjoyment of other properties in the vicinity that will be living in its shadow as Minneapolis is a "winter city" where sunrise and solar rights matter. Especially given that several neighbors have east facing front windows, including my property and the adjacent apartment building.

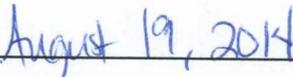
- B. By approving the two variances for setbacks, the Planning Commission will:
1. Alter the essential character of the locality.
  2. Cause the rear (west) variance to be injurious to the use and enjoyment of adjacent properties due to the lack of an alley.
  3. Jeopardize the safety and welfare of the general public and those utilizing this property and nearby properties, and will cause difficult fire department access.
  4. Place the louver ventilation on the west wall of the parking garage which will be detrimental to the health of those utilizing connecting properties.
  5. Promote overcrowding of land.
  6. Make maintenance of all properties difficult.

There are no unique circumstances that support the approval of the requested variances; they are based solely on economic concerns.

In summation, I believe that this corner should be developed, but thoughtfully and sustainably. This conditional use permit and these variances do not address the human need for adequate light, air, privacy and convenience of access to property. Nor do they secure neighboring properties from fire. They do not protect the stability and safety of all affected properties while negatively impacting the health and well-being of area residents. Due to the above reasons the decision of the Planning Commission should be reversed.

The Appellant reserves the right to raise additional issues on appeal.

  
\_\_\_\_\_  
Deanna E. Hagg, Appellant

Date:   
\_\_\_\_\_

**APPLICATION WORKSHEET**

<b>Appellant</b>	Name	Deanna E. Hagg
	Mailing Address Including City, State and Zip Code	2009 Aldrich Avenue South, Unit 11, Minneapolis, MN 55405
	Phone Number	Deanna E. Hagg (612) 743-8184
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**NOTICE OF APPEAL**

Choose one:

I, \_\_\_\_\_ (print name) do hereby file an exception to the Decision of the **Zoning Administrator** as provided for in Chapter 525.170;

I, \_\_\_\_\_ (print name) do hereby file an exception to the Decision of the **Board of Adjustment** as provided for in Chapter 525.180;

I, **Deanna E. Hagg** (print name) do hereby file an exception to the Decision of the **City Planning Commission** as provided for in Chapter 525.180;

Project Name	Theatre Garage and Marquee Apartments
Project Address	2004, 2008, 2012, and 2018 Lyndale Avenue South
BZZ Number	BZZ-6675

Further, I do hereby request that I be given an opportunity to express my case before the Board of Adjustment or the proper committee of the City Council.

The action being appealed and the reasons for appealing the decision are attached and made a part of this notice of appeal.

Appellant's Name: **Deanna E. Hagg**

Appellant's Signature: Deanna E Hagg

Date: August 19, 2014