



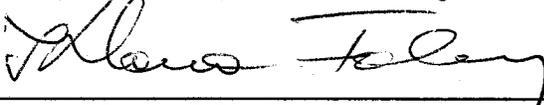
Request for City Council Committee Action From the Department of Public Works

Date: May 3, 2005
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Subject: Encroachment Permit Denial for 3311 E. 25th Street

Recommendation: Uphold the denial of the encroachment permit and deny the applicant's appeal.

Previous Directives: None

Prepared by: Robert Boblett, Real Estate Investigator 1, 673-2428

Approved by: 
Klara A. Fabry, P.E., City Engineer, Director of Public Works

Presenters: Robert Boblett, Real Estate Investigator 1, Right of Way Section, Engineering Services

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):
- Request provided to the Budget Office when provided to the Committee Coordinator

Background/Supporting Information:

The applicant, Tracy Singleton, and her architects, Close Associates, submitted an application to encroach approximately 8 feet into the southerly right of way of 25th St. E. for the purpose of constructing a glass-walled entry vestibule for the Birchwood Cafe at 3311 E. 25th Street.

A memo and copy of the permit application were sent to Council Member Zerby's office on March 4, 2005, as directed in the new encroachment ordinance. Review by the Fire Department regarding the direction of the door swings was requested and performed. The review determined that both doors should swing outwards. This would force the door to open over the public sidewalk.

It was determined that the vestibule itself and the proposed out-swinging door warranted a denial. It is our opinion that an out swinging door at this location creates a hazardous situation. It is further our opinion that the Municipal Code of Ordinance prohibits the construction of such a structure in the public right of way, as cited below in Section 427.30

427.30. Obstructions, encroachments and littering generally. No person shall erect, build, set up, keep or maintain any house, store, shop or other building or structure, or leave, deposit or place any boxes, merchandise, timber, planks, boards, shingles, casks, barrels, hogsheads, lumber, bricks, stones, trucks, carts, wagons, sleds, carriages upon or in any street, alley or sidewalk.

A letter of our denial was faxed to the applicant on March 16, 2005. This letter is included as Attachment 10.

The applicant has appealed the denial. The appeal is included as Attachments 11-12.

CC: Council Member Paul Zerby, 2nd Ward

Attachment 1 – Application Form

Attachments 2-9 – Drawings submitted by Close Associates

Attachment 10 – Denial Letter from R/W to applicant

Attachment 11-12 – Appeal letter from applicant

Attachment 13 – Memo to Council Member Zerby

Attachment 1

PW05-E-003

Application for an Encroachment Permit
City of Minneapolis Public Works Department
(Chapter 95, Minneapolis Code of Ordinances)

The applicant may be any agent of the person who will obtain the permit.

Applicant (please print) Tracy Singleton
Address 2501 33rd Ave S
City mpls State mn Zip 55406-1602
Telephone 612 722 9325
Signature [Signature] Date 2.24.05

The permit is issued to the property owner or the owner of the item.

Issue Permit to: (if other than the applicant)
Name (please print) Tracy Singleton
Address same as above
City _____ State _____ Zip _____
Telephone _____
Contact person: _____

Encroachment Location Information

Property Address 3311 e 25th Street mpls
except the last 50 feet
Lot 024 Block 005 Addition name: RGT The town of falls
City - BKS E 77-ft
Property ID No. 31-029-23-23-0169

If multiple locations, attach an addendum to the application. If for an extended routing, indicate the streets and cross streets.

Encroachment Description
(Do not state "See Plan")

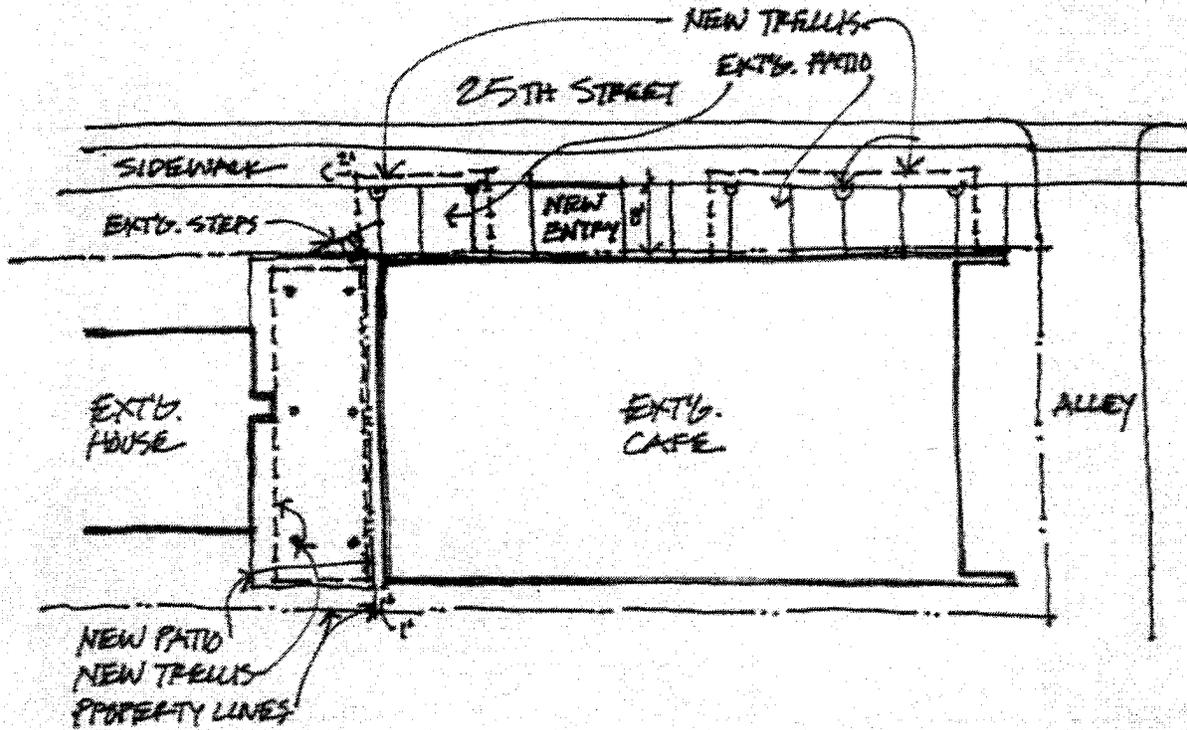
Please state what it is you intend to install (fence, conduits, etc.). Describe the height, width, and length of the item as well as the depth below or height above the current grade.

Glass Vestibule & trellis
Vestibule: 10 x 3' x 10'
Trellis: 10 x 10 x 23 ft (North side)
10 x 10 x 16 (North side)

Describe the materials to be used in construction:
Vestibule: stone front materials, glass & aluminum
Trellis: wood & aluminum

Encroachment Drawing or Plan.

Provide a drawing, survey or site plan which shows details and dimensions of the encroachment. The drawing must show streets, sidewalks, curb and other features which would be relevant to the permitting of the encroachment (trees, doorways, bus stops, utilities, etc.).



1 SITE PLAN
1" = 20'

CLOSE
ASSOCIATES, INC.
ARCHITECTS
612-339-0979

BIRCHWOOD CAFE
3311 East 25th. Street
Minneapolis, MN

SHEET NO.	
1	
COMM. NO.	DATE
	2.23.05

J. P. LARSEN

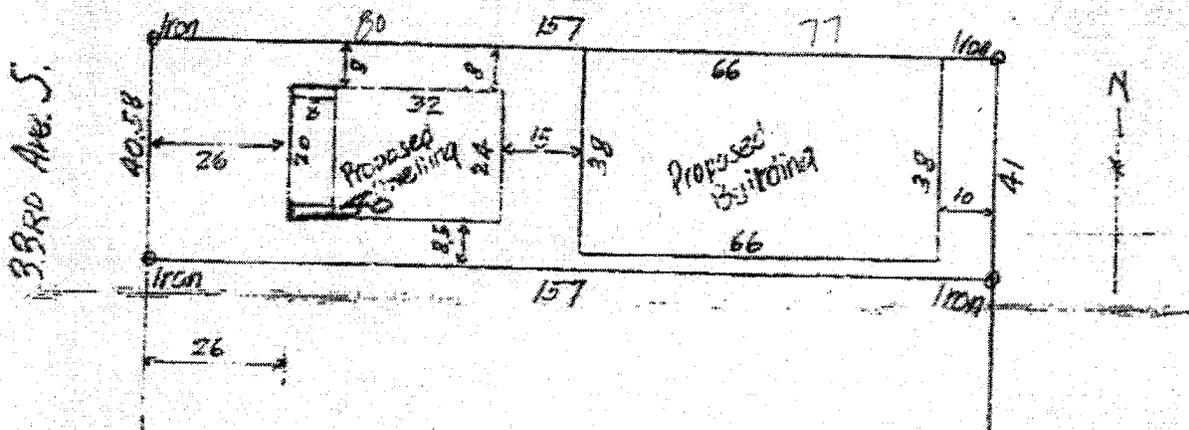
SURVEYOR
120 FREEMAN BUILDING
MINNEAPOLIS

194744

Attachment 3

*The Jewell Co
228 One Knight Bldg.*

E 25th St.



I hereby certify that the above is a true and correct plat of a survey of Lot 24 Block 5. Rearrangement of Blocks in Town of Falls City Add. to Minneapolis as surveyed by me this 18th day of Dec. 1925.

*J. P. Larsen by Plat.
Surveyor, Minn.*

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2	
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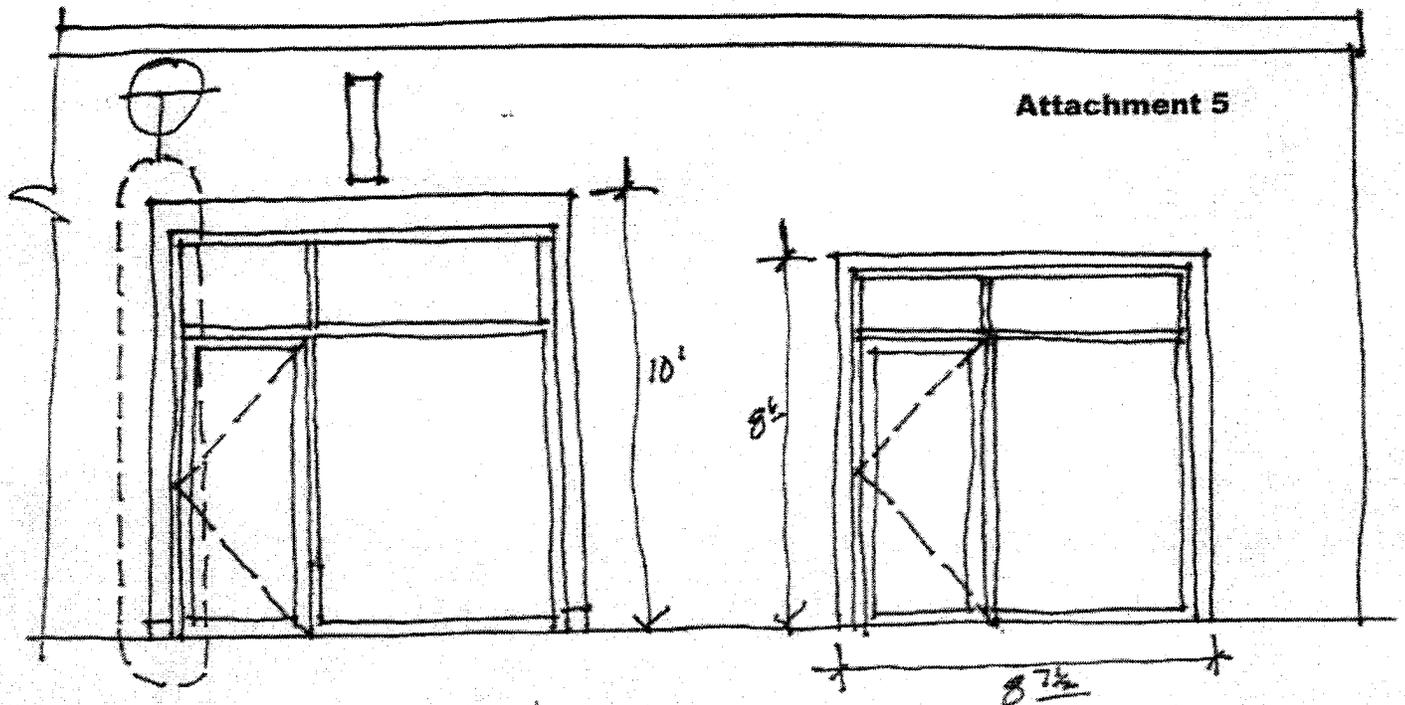


① EXIST/DEMO ELEV.
③ 1/4"=1'-0"

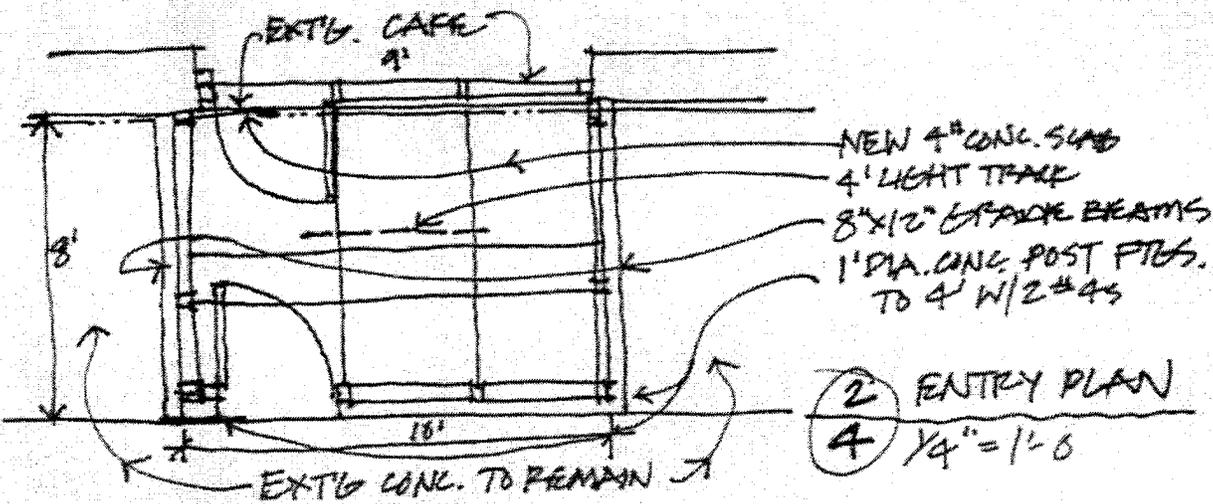
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① REVISED ELEVATION
 4 1/4" = 1'-0"



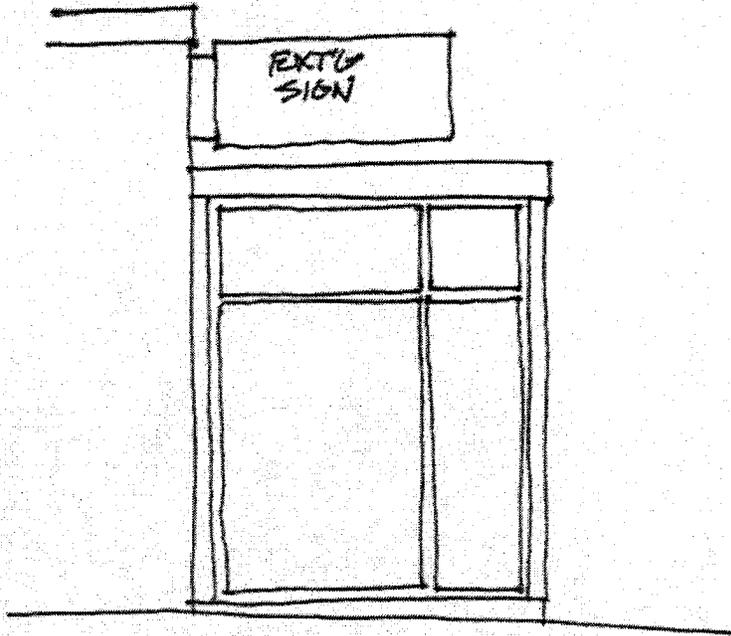
② ENTRY PLAN
 4 1/4" = 1'-0"

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4	
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Attachment 6

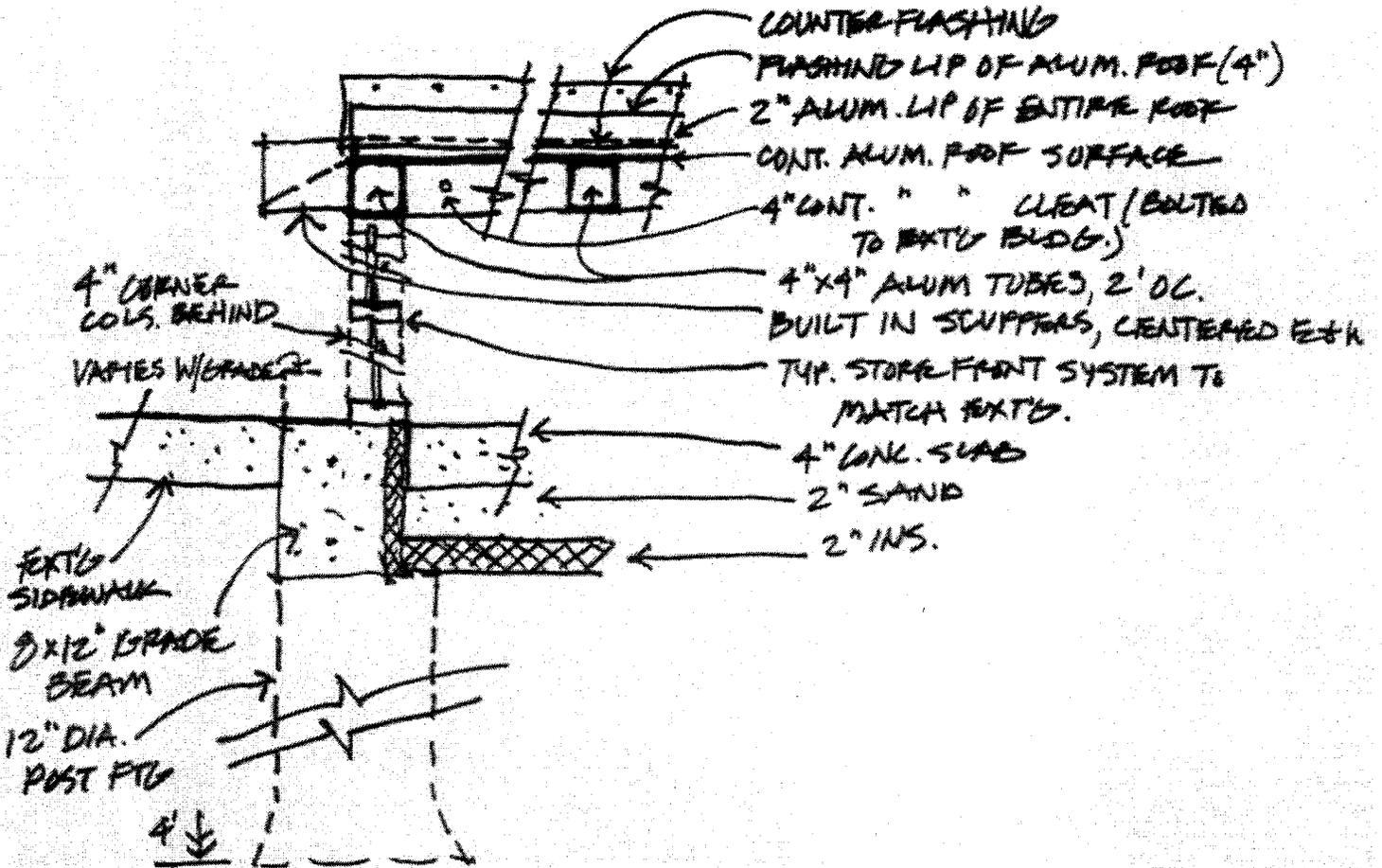


1 EAST + WEST ELEVATIONS
5 $\frac{1}{4}'' = 1'-0$

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SHEET NO.	
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① ENTRY STORE POLE
⑥ 1" = 1'-0"

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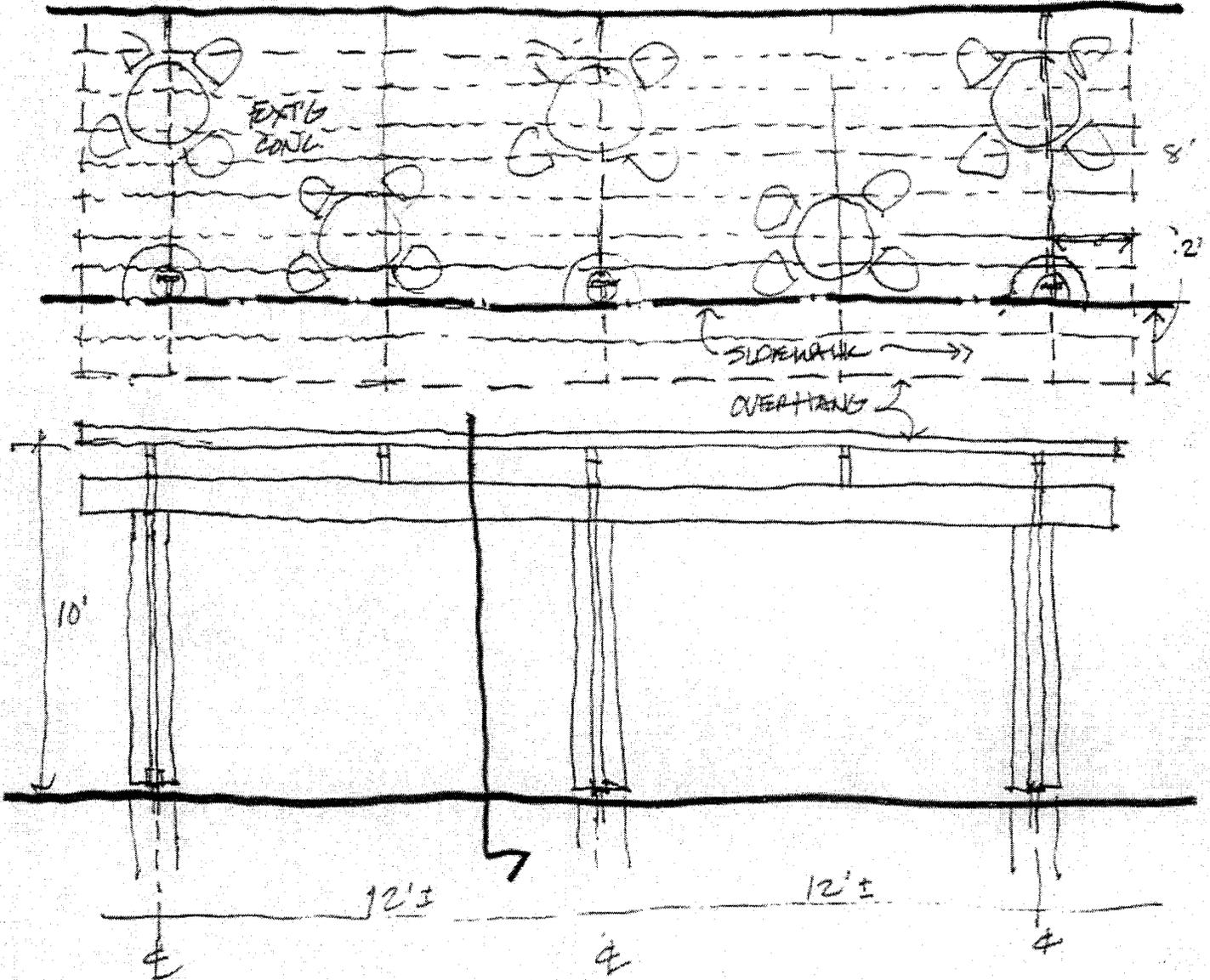
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PLAN $\frac{1}{4}'' = 1' - 0$

NORTH
↙

Attachment 8

TRILLS



ELEVATION $\frac{1}{4}'' = 1' - 0$

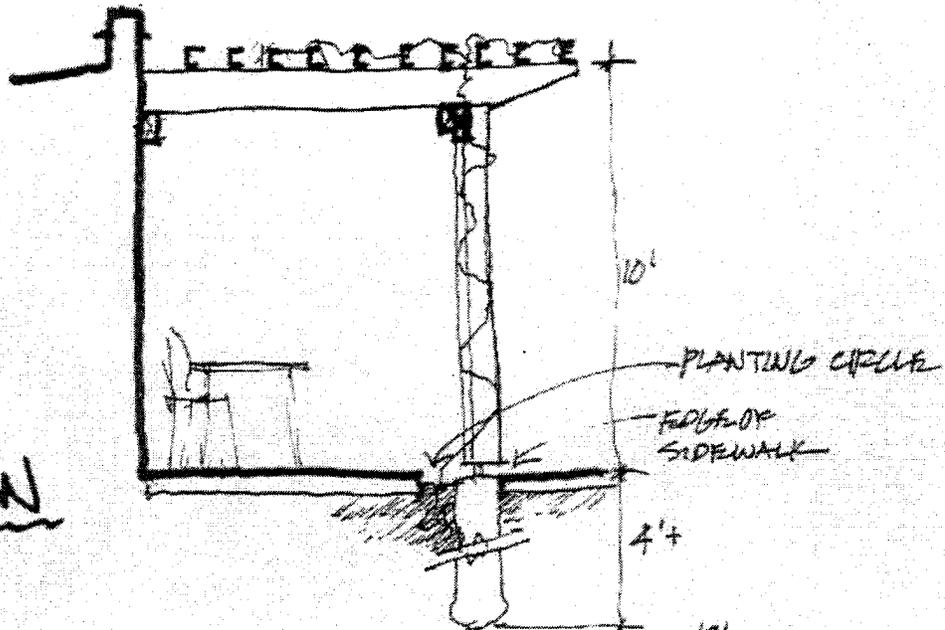
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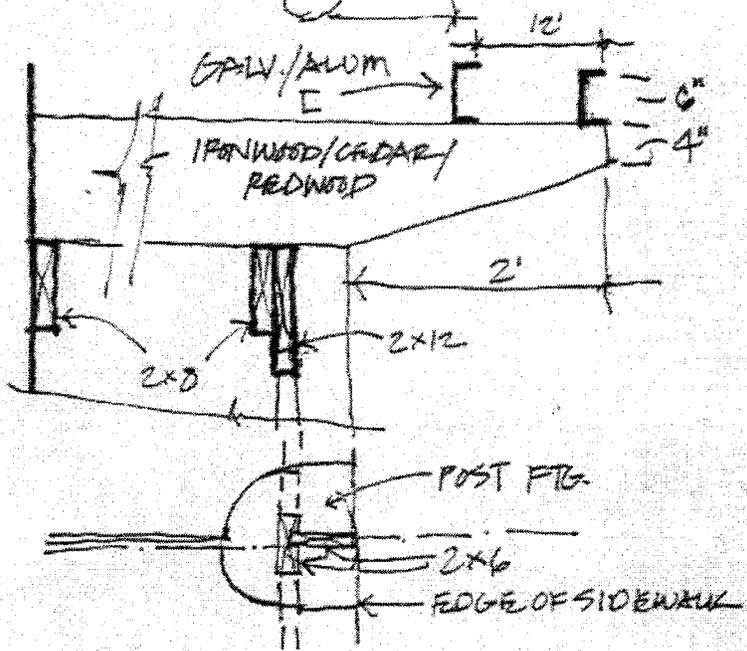
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7	
COMM. NO.	DATE
	2.23.05

TRELLIS

SECTION
1/4" = 1'-0"



DETAILS
3/4" = 1'-0"



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ARCHITECTS

612-339-0879

BIRCHWOOD CAFE
3311 East 25th. Street
Minneapolis, MN

SHEET NO.	
8	
COMM. NO.	DATE
	2.23.05

**Department of Public Works
Engineering Design Division
309 2nd Avenue South, Room 200
673-2428**

Date: March 4, 2005
To: Council Member Paul Zerby, 2nd Ward
From: Robert Boblett, Real Estate Investigator I
Subject: An encroachment permit to allow Tracy Singleton at
the Birchwood Caf e to construct a vestibule and
trellis in the right of way.
(PW05-E-003)

In accordance with Minneapolis City Council staff direction, a copy of this encroachment permit application is attached.

Thank You.