



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: December 13, 2007

To: Council Member Gary Schiff, Chair, Zoning and Planning Committee
Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the Board of Adjustment action **denying** a variance for a property location at 2501 5th Avenue South by Ward Brennan of Peace House Community.

Recommendation: Notwithstanding the staff recommendation, the Board of Adjustment **denied** a variance to reduce the off-street parking requirement from 13 spaces to 2 spaces, a variance to reduce minimum lot size from 10,000 sq. ft. to 7,110 sq. ft., and a variance to reduce the minimum lot width from 80 ft. to 56 ft. 10 in. to establish a place of assembly (church) at 2501 5th Avenue South in the R4 Multiple-family District.

Previous Directives: N/A

Prepared or Submitted by: Molly McCartney, Senior Planner, 612-673-5811

Approved by: Jack Byers, Planning Supervisor, 612-673-2634

Presenters in Committee: Molly McCartney, Senior Planner

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 6

Neighborhood Notification: The Phillips West Neighborhood Organization was notified on October 18, 2007.

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

End of 60/120-day Decision Period: On December 4, 2007, the applicant was sent a letter by Planning staff extending the decision period to no later than February 9, 2008.

Other: Not applicable.

Background/Supporting Information Attached: Ward Brennan of Peace House Community has filed an appeal of the decision of the Zoning Board of Adjustment denying the a variance to reduce the off-street parking requirement from 13 spaces 2 spaces, a variance to reduce minimum lot size from 10,000 sq. ft. to 7,110 sq. ft., and a variance to reduce the minimum lot width from 80 ft. to 56 ft. 10 in. to establish a place of assembly (church) at 2501 5th Avenue South in the R4 Multiple-family District. Notwithstanding the staff report, the Zoning Board of Adjustment voted 2-1 to **deny** the variances on November 8, 2007. The applicant's appeal statement and supporting information is included in the staff report.

Attachments:

1. Appeal application, p.3
2. Statement of Appeal, p. 4 - p.8
3. Parking study and pictures for area surrounding 2501 – 5th Avenue South, p. 9 - 121
4. Communication received since appeal submittal, p.122 – p.174
5. Zoning Board of Adjustment minutes, November 8, 2007, p.175 – p. 186
6. Zoning Board of Adjustment staff report and attachments (BZZ-3835) 2501 – 5th Avenue South, p.187 – p. 225

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3835

Date: November 8, 2007

Applicant: Catherine Mamer

Address of Property: 2501 5th Avenue South

Contact Person and Phone: Catherine Mamer, 612-870-7263

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: October 12, 2007

Publication Date: November 1, 2007

Hearing Date: November 8, 2007

Hearing Date: November 8, 2007

Appeal Period Expiration: November 19, 2007

End of 60 Day Decision Period: December 10, 2007

Ward: 6 **Neighborhood Organization:** Phillips West Neighborhood Organization

Existing Zoning: R4 Multiple-family District

Proposed Use: Conversion of a single-family dwelling to a place of assembly.

Proposed Variance: A variance to reduce the off-street parking requirement from 13 spaces 0 spaces, a variance to reduce minimum lot size from 10,000 sq. ft. to 7,110 sq. ft., and a variance to reduce the minimum lot width from 80 ft. to 56 ft. 10 in. to establish a place of assembly (church) at 2501 5th Avenue South in the R4 Multiple-family District.

Zoning code section authorizing the requested variance: 525.520 (2) (2) (6)

Background: The subject property is a single-family home with a detached garage on a corner lot in the Phillips West Neighborhood. The property is 7,110 sq. ft. with the dimensions of 57 ft. by 125 ft. and has been used as a single family house since its construction in 1917. The applicant is proposing to convert this building into a place of assembly for an existing organization called Peace House, which is currently located at 510 East Franklin Avenue.

The building at 510 East Franklin is part of a redevelopment project called the Franklin Portland Gateway, which includes new buildings on all four corners of the Franklin Avenue and Portland Avenue intersection. 510 East Franklin is proposed to be demolished and the entire block face between Portland and 5th Avenue South will be replaced with the Franklin Steele Commons and Townhomes, a project of

85 mixed-income housing units. The development partners are working to relocate Peace House in the neighborhood at 2501 5th Avenue South. Formal applications for the demolition of 510 East Franklin or the land use approvals for the Franklin Steele Commons and Townhomes project has not been approved by the City of Minneapolis

The proposed relocation of Peace House to 2501 5th Avenue South will not involved major reconstruction of the house, and the residential character of the building will remain. Peace House is currently open from 10am to 3pm and offers a daily meditation and lunch with community members, which Peace House considers to be their main assembly activity. Other activities include prayer services on holidays and other memorial services. The applicant states that many of the members involved in Peace House come from the community by public transportation or walking.

The site currently has a two-stall, detached garage, however, the applicants are asking for a variance to eliminate the parking requirement from 13 spaces to 0 spaces because of the backward maneuvering required to exit the property. Vehicles using parking spaces for institutional uses (as well as commercial and industrial) are not allowed backward maneuvering into the right of way (541-290). There is an existing two-stall garage on site; however, the applicants have stated they do not wish to use this for Peace House parking. The applicants have submitted pictures of the on-street parking during the organization's hours of operation.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Strict adherence to the setback of the zoning code prevents the establishment of a new place of assembly due to the lot size and parking requirements. The R4 District allows this use and small churches or other types of places of assembly in Minneapolis are located on properties of similar size.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The circumstances are unique to parcel of land due to the existing lot size. The subject property is an existing lot, and the applicant does not wish to obtain additional land to meet the zoning requirements for lot size, lot width, or parking requirement.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Granting the variance will be in keeping with the spirit and intent of the ordinance. The proposed project will not alter the basic residential character of the house, and the type of use is allowed in residential zoning districts. The adjacent properties include a car repair shop to the south, a parking lot for Minneapolis Public Housing Authority site to the north, and an interstate sound wall to the west, and an apartment building to the west. The immediate adjacent properties will have little impact by the change of use to a place of assembly.

Staff has concern however, about the residential nature of the property. The home has kitchen facilities, bathrooms, and bedrooms. As a place of assembly, the community members would not be able to live in this location. Because of the nature of activities offered at Peace House, staff is concerned of that the house would become overnight shelter or other type of temporary housing. If the use were to become residential again, the place of assembly should be discontinued and no rental licenses should be issued while Peace House inhabits the location.

The applicants have stated that community members typically walk or use public transportation to access Peace House. There are bus lines along Park and Portland Avenue, as well as East 26th Street, which provide midday service. To minimize visual impacts on the surrounding area, the Peace House should install screening of any refuse containers and regularly inspect the property and adjacent areas for trash or other debris.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The proposed variance would likely have no impact on congestion of area streets or fire safety nor would it be detrimental to the public welfare or public safety. To minimize visual impacts on the surrounding area, the Peace House should install screening of any refuse containers and regularly inspect the property and adjacent areas for trash or other debris.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the off-street parking requirement from 13 spaces 0 spaces, a variance to reduce minimum lot size from 10,000 sq. ft. to 7,110 sq. ft., and a variance to reduce the minimum lot width from 80 ft. to 56 ft. 10 in. to establish a place of assembly (church) at 2501 5th Avenue South in the R4 Multiple-family District, subject to the following conditions:

1. No rental license shall be given to the property while it functions as a place of assembly,
2. Exterior garbage containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses,

3. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon, and
4. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.

**Board of Adjustment
Hearing Testimony and Actions**

**Thursday, November 8, 2007
4:30 p.m., Room 317 City Hall**

Board Membership: Mr. Matt Ditzler, Mr. John Finlayson, Mr. Paul Gates, Ms. Marissa Lasky, Ms. Alissa Luepke Pier, Mr. Matt Perry, and Mr. Peter Rand

The Board of Adjustment of the City of Minneapolis will meet to consider requests for the following:

2. 2501 5th Avenue South (BZZ-3835, Ward 6):

Catherine Mamer, on behalf of Peace House Community, has applied for a variance to reduce the off-street parking requirement from 13 spaces to 2 spaces, a variance to reduce minimum lot size from 10,000 sq. ft. to 7,110 sq. ft., and a variance to reduce the minimum lot width from 80 ft. to 56 ft. 10 in. to establish a place of assembly (church) at 2501 5th Avenue South in the R4 Multiple-Family District.

CPED Department Planning Division Recommendation by Ms. McCartney:

Notwithstanding staff recommendation Mr. Finlayson moved and Ms. Lasky seconded the motion to **deny** the variance to reduce the off-street parking requirement from 13 spaces 0 spaces, a variance to reduce minimum lot size from 10,000 sq. ft. to 7,110 sq. ft., and a variance to reduce the minimum lot width from 80 ft. to 56 ft. 10 in. to establish a place of assembly (church) at 2501 5th Avenue South in the R4 Multiple-family District, subject to the following conditions:

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3. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon, and

CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.

Roll Call Vote:

Yeas: Finlayson and Lasky

Nays: Ditzler

Recused: None

Absent: Luepke Pier, Perry and Rand

TESTIMONY

Mr. Gates: Thank you Ms. McCartney, are there questions? Thank you. Is the applicant here?

Ms. Michalski: Hello, Chairman Gates and Board, I'm Maureen Michalski, I'm here representing Ann, which is formerly Central Community Housing Trust and then also Eileen Shore is here from Peace House to speak for the application team. Ann has been working with Peace House Community to relocate them from their current site from 5th and Franklin Avenue where the final phase of the Franklin/Portland Gateway is planned. We have also been assisting Peace House Community with the two applications for variances at 2501 5th Avenue South which are before you today; obviously as part of that re-location process. I want to talk a little bit about the Gateway to give you some background about the relocation. The Gateway is a partnership between Aion and Hope Community and encompasses all four corners of the intersection of Franklin and Portland Avenues in the Ventura Village Neighborhood. The relocation of Peace House Community from 510 East Franklin to 2501 5th Avenue South is a crucial component in the ability to move forward and complete the Gateway. The Gateway project is a four phase mixed income/mixed use project designed to provide family friendly/pedestrian friendly/transit friendly and green oriented places to live and work. The entire Gateway project will create a total of 252 mixed income housing units and offer a total of 2700 square feet of neighborhood scaled commercial. The City of Minneapolis Community Planning and Economic Development department considers Gateway as one of its high priority projects and has committed over 4.3 million dollars thus far to the entire Gateway and 1.2 million dollars to the Franklin Steel Commons and Town homes specifically. Total public and private forces committed to the Gateway to date total over 31.5 million dollars. The two phases of the gateway have already been completed and the third phase, the Wellstone, will begin construction yet this fall. Franklin Steel Commons and Town homes the final phase of the Gateway is proposed for the northwest corner of Franklin and Portland Avenues which is where Peace House currently exists. Phase four of the Gateway is currently in the funding application and design development process and construction start is anticipated in the spring of 2009. Peace House Community has agreed to participate in relocation from their current property at 510 East Franklin if an acceptable relocation property has been found. They had not thought about moving, but they are willing to cooperate with Ann, Hope and the City of Minneapolis in order for the Gateway Development to be completed. With variance approvals at 2501 5th Avenue South Ann and Hope community will be able to relocate Peace House Community and continue with the completion of the Franklin/Portland Gateway which has been a community vision for the last 10 years and a prominent and vital improvement area for the City of Minneapolis. Eileen Shore is here to speak more about the variance application.

Eileen Shore: Chair Gates and Members of the Board, good afternoon, my name is Eileen Shore, I am a volunteer at Peace House.

Mr. Gates: Your address please.

Ms. Shore: 3137 42nd Avenue South, Minneapolis.

Mr. Gates: Thank you, go ahead.

Ms. Shore: With me today are the co-directors of Peace House, Catherine Mamer and Ward Brennan. Peace House is supported and staffed entirely by volunteers, a number of whom are present today. Although they will not be speaking, I would like them to stand briefly so that you can just see who they are. We now have 40 volunteers that come from all over the metropolitan area. Many have been coming to Peace House for decades. Of course, Peace House is supported entirely by private donation. Peace House has made its home at 510 Franklin Avenue for 22 years and with your approval as you've heard, for these variances, we will be moving to 2501 5th Avenue South. The variances that we are asking your approval for are necessary if we are to move to our new home in order to make way for the development that Maureen has just described. We found this home after an intensive search of over two years. As I will describe to you, I think we have found a place that works well for everyone. There are many reasons that led to our decision to try to relocate Peace House to this place. One of the most important as was mentioned is it's proximity to public transportation. There are bus lines along Park and Portland Avenues as well as East 26th Street, which provide mid-day bus service to our members who can easily reach the property with bus transportation. Another great feature of this property is that it is only five blocks from our current home and so many of our members who live in this immediate area can continue to walk to Peace House. Two important features of the property that contributed to our desire to move there specifically, relate to the variances that are before you today. The first relates to parking. Because we have operated for the past 22 years very much as we plan to operate in the future, we have a very good idea of what we need for parking. Since our members arrive by foot or by bus. We do not need the large number of parking spaces often associated with churches, only the volunteers drive. Two to eight cars usually come to the site on any given day. At our present location on Franklin Avenue parking has usually been very restricted. For much of our existence, all of our parking needs were met by renting two parking spaces from the Dairy Queen that used to be located next door. Specifically, we ask that you approve a parking variance to reduce the number of parking spaces required from 13 to 0. One important reason for this request is to allow us to maintain the residential character of the property. Because of the requirement prohibiting backward maneuvering into the right of way, in order for Peace House to claim any parking space on the site, the entire site would have to be excavated, of course excluding the house, would have to be excavated and re-graded. The garage would have to be demolished and all green space would be eliminated and replaced with a parking lot. This would be a real financial hardship for us and would be very ugly, a real eye sore and one that is unnecessary given our modest parking needs. One of the features of 2501 that we noticed immediately was the street parking that is currently available. Because the home is located on a corner lot, parking is available on both the side and the front. Because it is directly across the street from the interstate sound wall, there are a limited number of homes needing parking in the immediate area and parking is available across the street from the home next to the wall. To make sure that what seemed obvious was in fact true, we arranged for a parking study for the area around 2501. The study analyzed actual on street parking during the hours when Peace House is open. The study found that on street parking is plentiful and available and can easily accommodate the two to eight vehicles that Peace House needs. This study of the surrounding half block area shows that between 31 and 55 spaces are available on the street during the day time when we are open. At the neighborhood meeting last week, one person expressed

some concern that because there are some vacant properties in the area parking could be a problem when those properties are occupied. When we examined the situation, we found that two of those properties appear to be single family homes. One of which has a two car garage for parking off street and one that has a parking pad behind the house. Two structures appear to be vacant multi-family homes with parking in the rear of the buildings. The remaining vacant property on the block is the auto repair shop next door; it has room for at least eight off-street spaces on the lot on site. Those vacant properties all of which have their primary parking needs already satisfied would have to use 31 to 55 additional parking spaces on the street to fill up all of the on street parking that is available; therefore, even when those properties are fully occupied, there is still plenty of parking available to satisfy our needs. The second attractive feature of the property that relates to our request for a variance relates to the lot size. Since the beginning of its existence, Peace House has conducted its ministry on approximately 1500 sq. ft. Today, we are asking for a variance to allow us to operate on a site that is over 5500 sq. ft. larger than our current home. However, as staff pointed out, it is less than the 10,000 sq. ft. required by code. It is in fact, about 7110 sq. ft. Other lots where Peace House could have been located would be City lots with similar size. In addition, Peace House activities occur indoors and lot size has no impact on either our activities, nor the surrounding sites and land uses. With our experience of surviving and thriving on 1500 sq. ft., we can assure you that 7000 sq. ft. will be more than adequate to meet our needs while not imposing on our neighbors. Finally, I would like to address the staff's recommended conditions. Peace House agrees with all the conditions set forth in the staff report presented to you regarding this variance request. We will install full screening for any refuge containers that we have and of course we will regularly inspect the adjacent areas for trash and other debris. One of the reasons we want to move to this property is that as you can see it is beautiful inside and out. The current owner has done a splendid job of renovating a beautiful place, and we fully intend to honor that work through intense upkeep. The property at 2501 5th Avenue South will be used as a religious place of assembly and no community members or volunteers will live in the home. We will also bring our 24 hour surveillance cameras to the new building to insure that it is monitored when we are not there. We are also very willing to install motion sensitive lighting. We thank you for your consideration and we ask for your approval. Thank you very much.

Mr. Gates: Thank you very much. Are there questions for the applicants? I see none, thank you. Is there anyone else here to speak in favor of this application?

Robert Stachovsiak: Robert Stachovsiak, address 2532 Portland Avenue South. Brief statement, I've owned 2532 and lived there and owned 3520 next door for going on 25 years. I know the neighborhood well, I've driven up and down Franklin and Portland many thousands of times, I consider Peace House a part of the cure of the problems, not a part of the problem. I would have no problem having a place like Peace House with an established responsive, responsible, steady owner next to me. If there's a problem there, I know that the Peace House people would respond to whatever the problem might be. So, just a statement on my part, I can not address the parking in that area, but a statement from somebody that lives on the same block... I would have no problem with having them as neighbors.

Mr. Gates: Thank you very much. Is there anyone else here to speak in favor? Yes sir.

Michael Gustafson: I'm Michael Gustafson; I'm the present owner of 2501 5th Avenue South. I've been there since the fall of '94, so, I've seen the neighbors come and go. There's not many of them to begin with, so it's not a problem, but the houses down the street were occupied before and there has always been an average of 10 to 35-40 parking spots and since I've been there, that's really never been an issue. One of the reasons I like to live there is that it is kind of an island unto itself, and so, it's a great place for an institution like that. That is my contribution.

Mr. Gates: All right, thanks very much. Is there anyone else here to speak in favor? Is there anyone here to speak in opposition? Alright, let's go in order. Over here please.

Peter Thompson: Good evening Chairman and Board Members, my name is Peter Thompson; I'm a resident at 2518 Portland Avenue South, also a homeowner there. Me and my brother own a duplex there, we both live in the duplex. We've lived there for over three years this December. I guess my primary concerns about Peace House moving in are primarily really defining three in the division report, the CPED report. It's mostly concerning the fact that just to the south of the auto garage there is actually two homes that have been vacant since I've lived there, but in the last year one was rehabbed and the other one is currently being rehabbed. And my hope and sort of greatest...the thing that I think can really affect Phillips a lot in being a positive change for the community is to have home ownership in the neighborhood and to have actual people that live and own the property there and are there all the time, 24 hours a day. So, my concern is that by Peace House moving into this residential house that is on this primarily residential block, there is the garage, but, all the rest of the structures there are residential, is that that's going to sort of be a negative impact on families wanting to move into the houses. At the community meeting last week, Phillips West, there's certainly the people that go into Peace House now, are sometimes, I think by their own admission, are visually of an unsavory nature I guess. The way that I've seen Peace House being used is more the drop in center, and I'm concerned that if those kind of people are hanging outside waiting for Peace House to open at 10:30 in the morning that someone who comes to see those houses just down the street and wants to move in with their children is going to be...that's going to be a deterrent to actually making those houses become family ... neighborhood owned houses. So that's my main concern with that. Additionally there is ... also it seems in the way that they've described their organization before and on their website, it's much more of a ... that there really is a lunch served everyday, and it is more of a drop in place for ... as you probably know, Phillips is one of the lowest income neighborhoods in Minneapolis, so, it really serves as a drop in center for people in that neighborhood, which is an endeavor that I totally approve of, but it seems part of the reason for the zoning requirements is that it keeps those kind of uses into a more commercial corridor, where it is now, where it's not going to be interfering and disrupting the home ownership that I want to have happen in that neighborhood. Also, there is the fact that there is this ... there's the freeway wall that's just across 5th from the current property and I know that when driving by Peace House on Franklin, I definitely see people hanging out and waiting in the morning before Peace House is open, so I'm concerned that because that's a sort of big green space without trees, kind of backed up to that wall that that could sort of become a place where people start to hang out. You know the house next to me has been a consistent problem house in terms of drug dealing, so, I've seen people that are at that house next door to me all the time

who live there actually out in front of Peace House and ... it's hard, I don't want to make all kinds of connections between those things, but I'm concerned that having this organization in that neighborhood is going to draw that sort of activity to that sort of green area that is kind of screened and hidden away and is not real ... you know, if stuff is happening on Franklin Avenue that's obviously ... everyone can see that, but I'm worried that this sort of back neighborhood street is going ... it's really going to detrimentally affect what's happening on that street. I think that's primarily what I wanted to talk about, but, that's really my main concern is just trying to have more home ownership and especially on that block where both of these houses have been rehabbed recently and are I think really primed for that to happen and my concern that this is going to be detrimental to that actually taking place.

Mr. Gates: Your comments are noted, thank you. Next.

Del Lundeen: I'm Del Lundeen and I'm the chair of the West Phillips Neighborhood Organization and I want to speak against granting the three variances. We flyer'd the neighborhood and we had a good crowd at our meeting on the 1st of November and we voted ... we voted on it and voted against having ... approving this. I think, to me my main concern, we are trying to build up the Phillips Neighborhood and bring in more home ownership and that's one of the primary concerns of the group, but also, the parking variance on this...it seems to me that you drive past Peace House anytime of the day and there is always at least five to seven cars parked next door to it, and so, right now...and you drive down 5th Avenue and you've got parking all the way along there. Now I know there are certain times of days where there are spaces available, but, Phillips Neighborhood has a real problem with parking. We have so many people who are looking for spaces to park, so...and Peace House has said they have from two to ten volunteers that come in everyday, well, most of them don't live in the neighborhood. I'm sorry; I forgot to say that I live at 2615 Park. So I'm a little ways away from this, but, it means that they are driving in so they are going to have cars there anywhere from two to ten cars everyday from 10 – 3. One of my other concerns is that it's almost a vacant house then if they're there from 10 in the morning until 3 in the afternoon and the rest of the day it's empty, you've got another vacant house. Like the former speaker said, 35W is close by there and it has the big wall and so you don't have ... you have people congregating along and through there. I can't speak about the lot size that they are talking about because I don't know anything about lot sizes, but I will say this, I think the City had certain requirements for a reason and so, I don't know that it would be good to change, make an exception for it ... no, I don't think they should make an exception for something like this, but that is up to the City. Thank you.

Mr. Gates: Thank you; we have a question for you. Mr. Ditzler.

Mr. Ditzler: Maybe you can speak to the neighborhood hearing that you had regarding this issue. I have a particular question about that hearing and the feedback that you heard from those people, because it seems like the opposition to this item seems to feel that a home owner would bring some quality to this property that the Peace House will not. I would be interested to hear what you feel the qualities of an average home owner would bring that Peace House will not bring. I understand the hours of operation, but that...I'd like you to address something else, because according to that argument, if you want them around more,

you would want them to be open longer. If you want someone there all the time, you'd rather they be open 7 in the morning to 7 at night, rather than 10 to 3. So aside from that, what other qualities do you think or do these people think that a home owner would bring other than Peace House.

Ms. Lundeen: It's just that Phillips Neighborhood, in Phillips West, we have been working so hard to try and get home ownership into the neighborhood, because it is...as you all know, the whole of Phillips Neighborhood is full of non-profits, and along with the non-profits come all of the people that use the non-profits and they are usually the very poorest people and so...and they're renters. And so, we are trying to increase our home ownership in the neighborhood and I think that anyplace where you have owners living in the homes you have them taken care of better than you do with rental property and stuff. Of course, I realize this isn't going to be rental property, but...

Mr. Gates: All right, thank you. There were more hands I believe, does somebody want to speak?

Greg Walsh: My name is Greg Walsh; I live at 500 24th Street East, which is at the corner of 5th Avenue and 24th Street, approximately one block north of the subject property. I believe addressing the issue of that being a residential property; the neighbors prefer eyes on the street. Video cameras are wonderful, but they are only as valuable as the person that is looking at the monitor at the time the crime is being committed. Otherwise, they have virtually no value. I'd like to address the findings required by Minneapolis Zoning Code. #1) The property can not be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship. This is a residential property; it's currently being used as a residential property. I see no hardship here. #2) The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. This could be true. Continuing, economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Let's look at #1), reasonable use is a residential property and the automobile repair garage directly to the south was on the market at the same time that this house was on the market. They could have purchased that garage, merged the two properties and we wouldn't be here today. They'd have a parking lot, they'd have all the space they required, they could move in and go to work, but they chose not to do so as they stated ... for economic reasons. So finding #2 is also invalid. Finding #3) The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. There is a multi-family dwelling directly to the east. In the first page of their application, they state under other related items, sound, there will be no audio amplification used at the facility on a regular basis. In other words, looking at the glass as being half empty, there will be audio amplification used at the facility. This would create a disturbance. Once you are a church, it becomes a first amendment issue, you can make all the noise you want, and no one can tell you to be quiet. This has been to the Supreme Court. Finding #4) The proposed variance will not substantially increase the congestion of the public streets or increase the danger of fire or be detrimental to the public welfare or endanger the public safety. The high rise towers immediately to the north of this

dwelling comprise a little over 200 dwelling units. These buildings were originally erected as senior citizen housing. They only have between 70 and 80 parking places in their parking lots. Therefore, the current residents park on the street. They park at random hours. Many of the residents are immigrants, many of them work very strange hours, they work very hard, they work multiple jobs. At any given time you can walk up 5th Avenue and you can say “look at all the empty parking places”. Come back in an hour, they are all full, come back tomorrow, they’re still full. Parking is variable and there is an enormous need for parking in this area. I therefore strongly encourage you to deny this application.

Mr. Gate: Thank you very much. Are there any questions?

Mr. Finlayson: To your knowledge, is this property still on the market?

Mr. Walsh: The subject property?

Mr. Finlayson: The subject property, the one we are talking about.

Mr. Walsh: We were informed at the public meeting that Peace House has an option to buy.

Mr. Finlayson: Thank you.

Mr. Gates: Further questions, I see none. Thank you.

Crystal Trutnau: Hi, my name is Crystal Trutnau, I’m the full time staff for the neighborhood, I just more or less wanted to express the neighborhood did vote in opposition of this at our November 1st Community meeting, and I also just wanted ... we’re supposed to get 21 day notification about this. We received notification from the planning department on 10/23, leaving a fourteen day notice. Peace House has been very cooperative in terms of informing us. We were able to flyer the neighborhood and inform our residents, but the ... I just, the planning staff has not been forthcoming what so ever. I have asked for the staff recommendation several times, I’ve sent I’d say 15 to 20 emails and never received a response except when I copied Councilmember Lilligren and Steve Poor and my concern is that the neighborhood didn’t receive the proper notice, I had asked for the subject to be put on the next Board of Adjustment meeting, my request was not responded to by the planning staff or followed up in any way and I was told that I could come here and ask for the vote to be taken to the next Board of Adjustment meeting, which I’m not requesting because we flyered ourselves and got a neighborhood accrual, but we just received the staff report today, we had no ... we weren’t given the proper...we were told there were two variance requests, in reality there were three, and I just want to express that ... I guess it’s more of a statement, I wish the neighborhood would have had proper notification.

Mr. Gates: I understand, I can’t speak for staff, but I can say that I know that they’re quite overworked and they do the best they can. Beyond that, I can’t speak for them. The Board often receives it’s packets a day or two ahead of the meetings as well, so we don’t get too much more notice. Can you just tell us for the record what the neighborhood vote was?

Ms. Trutnau: The neighborhood voted 17 in opposition, 15 in support, 0 abstentions; and in the amended staff report that the clerk had that she just gave you guys today, there are several letters from neighborhood residents that aren't here and several by email correspondence and the neighborhood's letter; between myself and Molly.

Mr. Gates: Thanks very much.

Vi DeMars: My name is Vi DeMars, I live at 2615 Park Avenue. Lived in the neighborhood since 1944 and I've seen all these organizations, group homes, coming into our neighborhood and it never seems to end. We drove by there yesterday and we couldn't have found a place to park. It was at noon time. You'd think people would be at work or what ever, but anyway there was...we couldn't have found a place to park...there was so many cars parking on the Avenue. I object to them calling this building a church building or a religious organization, because they serve their coffee and their rolls in the morning. They shut the door at 10:00 o'clock or whatever time for mediation. That to me is not a church when you decide to talk and then when that's over with they serve a meal...and occasionally a meal...that's not right. They serve a meal everyday. So should they have a restaurant license or conditional use permit? How are they able to operate without that? Their volunteers, they have 40 some volunteers and most of them...a lot of them come from St. Paul, so they have to drive, where would they park? Parking is very crucial in the Phillips neighborhood and as I've lived there many years I know about parking in that neighborhood and I don't think it qualifies as a religious organization or as a church. Whether they need license or something like that, I don't know and I don't know what they have...or maybe it's, maybe it's a soup kitchen, I don't know, but the other night they had a whole group of their people there, only one person from Peace House got up to speak in favor of what they were doing. None of the rest, and he was very hard to understand. None of the rest had anything to say. I would think their members or the clients would tell us the good that they do, but nobody did. They just sat there. That's all I have to say.

Mr. Gates: Thank you. With regard to your statement about whether or not this is a religious institution, place of assembly, that's a determination that's been made by the zoning administrator and may have led to these variance requests, but it is not a question that's before the Board today. I believe that that determination can be appealed, but it has not been appealed, and so, we're looking at the variances and not at the question as to whether or not it is a place of assembly or not. Thanks.

Ms. DeMars: Thank you.

Mr. Gates: Anyone else here to speak against the application? I see no one. With that we'll close the public testimony and hear from the Board.

Mr. Finlayson: Thank you Chair Gates, I'm sure this is a worthy organization, I'm sure they do good work. This particular neighborhood has many needs and one of them is owner occupied properties. It is common knowledge, it's...there is nothing mysterious about it, it's been a neighborhood that's been worked over for every other purpose forever and the number of single family owner occupied houses has diminished over the years. They've been converted to other purposes, and this leads to a lack of stability, which is currently in affect in the

neighborhood. It can be improved by getting more owner occupied houses. This one currently is an owner occupied house. I perhaps might think differently of this property if 15 years ago somebody had done something to it, commercialized it or taken it in another direction, but that hasn't happened. It is a single family owner occupied property. This is a City full of wonderful, charming houses built in some beautiful eras, the Victorian, the Arts and Crafts area, the Tudor Revival, and one of the things that makes Minneapolis such a gorgeous City is the diversity of high quality single family houses. And we're been throwing them away one at a time year after year, decade after decade, turning them into whatever and after its been turned into whatever (a), at some point in time they loose interest or it gets too small and it gets turned into whatever (b) and then (c) and then (d) and it just slides downhill. Sorry for the rant, but to get to the factual portions of this, I agree with the gentleman, there are no hardships here. There is no reason to do this any hardship is going to be created by a future and intended use, not by any current use, so I move to deny all variance requests.

Ms. Lasky: I'm going to second. I'm in support of the organization, but I'm also in support of the neighborhood need for owner occupied housing and I don't see a hardship. When I look at the neighboring building...the automotive building with the parking available, that would make a better use theoretically for this association or church or whatever, because it meets the needs for parking, it doesn't have to have the variance, etc., and it doesn't take away from the single family home that is clearly a single family home with the beautiful bedrooms, etc. I'm disturbed about destroying a neighborhood when I don't see the hardship. I'm very torn, because this is a free market, they are coming in to buy a home and they have the ability to do that but this is a dissolution of a neighborhood and I'm not in support of that and can not find a hardship.

Mr. Gates: Do you want to comment on what you consider to be the destruction of the neighborhood brought about by this use?

Ms. Lasky: It's not a destruction brought about by the use, but I think that the highest and best use is a single family dwelling and I'm not finding a hardship for the reduction in lot size and parking.

Mr. Ditzler: I'm not going to be supporting the motion. There are a couple of comments I want to make and I don't think I will persuade either of my fellow Board Members but I'm going to at least give it a shot. I think that the redevelopment of the Phillips neighborhood as I have watched over the past 10 years, and my dealings with it, being in real estate, is incredibly complex and very very difficult. Parking is a problem in Phillips, parking is a problem in north, parking is a problem in south, parking is a problem downtown, parking is a city-wide problem. I understand that the residents are sensitive to it. I was impressed that the applicant did some sort of parking study. We didn't really get the details on that, but, it appears to be something that they're sensitive to as well. And the relationship to the availability of parking in combination with the hours of operation, it doesn't seem to be that that organization will have anymore significant impact on the off street parking as any other single family homes. So the parking issue to me isn't this big of deal. I'm very surprised in the resistance of the neighborhood to an organization like this moving into where it is. I know why they're moving into where it is and I know why the house that's next to you, the abandoned car repair shop

hasn't sold except to an organization like this and that is probably very apparent why. Because no body wants to live next to an abandoned auto parts repair shop. Oh, it has been sold. Well, maybe another car repair shop is going to go in there, I'm sure that this organization doesn't want to do that because unless it's going to be another car repair shop, you're going to have to do an environmental study and soil samples and the whole nine yards. It's going to get very expensive I'm sure that's why. ... But I think that, I don't know if it's a hardship, but I think that the redevelopment of the Franklin/Portland Corridor needs to be supported. It doesn't need to be supported at the expense of the residents, but I think this is a very reasonable use of this property. I think the organization's going to maintain the property. They are a long standing organization. They've got good support from volunteers, public and private support for their funding. They've been around for as long as they have. I have a hard time believing that they are going to let the property go into disrepair. They have expressed that they think the property is beautiful, so I believe they are going to maintain it as well, or possibly better, than the average home owner who lives in Phillips or lives anywhere in an area of Minneapolis that has the same economics/demographics as Phillips. So, I don't think that that... I think that they would make an excellent neighbor. I understand that there are issues with people that are using those services. And it's probably...it is part of Phillips, its part of the redevelopment of that area and it's not really a hardship, it just happens to be something I believe and I do think it is important.

Mr. Gates: Thank you Mr. Ditzler.

Ms. Lasky: Just in closing, this is probably the most difficult one I've seen come through. Whether it gets appealed or not, and I wish that organization the best whether they are there or somewhere else, it's a wonderful organization and concept and it's difficult when the neighborhood is objecting to this degree. Usually you don't see this.

Mr. Gates: Mr. Finlayson, did Mr. Ditzler's comments change your mind at all?

Mr. Finlayson: I don't understand what it had to do with hardship. There are no hardships.

Mr. Gates: Okay, but we're not required to find a hardship, or to have any findings if we are disagreeing with staff.

Mr. Finlayson: Well, I'm disagreeing with staff because I don't think there are any hardships to convert this single family property into another use, which will, at the end of the day become another use and another use and another use. It's better off as a single family property.

Mr. Gates: All right, we have a motion and a second to deny the variances, please call the roll.

Ditzler: No

Finlayson: Yes

Lasky: Yes

Luepke Pier: Absent

Perry: Absent

Rand: Absent

Gates: That motion carries. It's denied, you can speak with staff about what you can do from this point forward.