

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-2406

**Date:** July 7, 2005

**Applicant:** Won Kim

**Address of Property:** 901 West Broadway

**Date Application Deemed Complete:** June 13, 2005

**End of 60 Day Decision Period:** August 12, 2005

**Appeal Period Expiration:** July 18, 2005

**Contact Person and Phone:** Won Kim, 612-221-6291

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

**Ward:** 4      **Neighborhood Organization:** Northside Residents Redevelopment Council, Hawthorne

**Existing Zoning:** C2, Neighborhood Corridor Commercial District

**Proposed Use:** Retail store

**Proposed Variance:** A variance to vary the enclosed building requirement to permit exterior security barriers on a retail store in the C2, Neighborhood Corridor Commercial District.

**Zoning code section authorizing the requested variance:** 525.520 (26)

**Background:** The subject property is at the southwest corner of West Broadway and Bryant Avenue North and consists of a lot that is approximately 6,050 sq. ft. (55 ft. x 110 ft.). Built in 1904, the building is occupied by one retail store on the first floor and six apartments on the second floor and is built up to the lot lines. The applicant has installed exterior security barriers on the windows facing West Broadway. The barriers were cited by Zoning Inspections on May 17, 2005 and no permit was obtained prior to the construction work of the barriers. The specific language of the ordinance that prohibits the exterior security barriers is as follows:

535.40. Enclosed building requirement.

- (b) *Exterior security barriers.* No retractable metal security gates or grilles shall be placed on the exterior of any portion of an enclosed principal non-residential building facade facing a public street.

(2004-Or-032, § 1, 4-2-04)

The property directly to the west does have exterior security barriers, which were in place prior to the adoption of the ordinance prohibiting these barriers on April 2, 2004, and would be deemed to have “grandfather” rights to the barriers. The subject security barriers are located outside of the building in the public right of way and would require an encroachment permit from Public Works, Right of Way.

**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.**

The applicant is seeking a variance to vary the enclosed building requirement to permit exterior security barriers. Exterior security barriers are prohibited from being installed in the City of Minneapolis. The applicant has indicated that the security barriers were installed after a series of burglaries in which the front windows were broken in order to gain entry. Staff believes that reasonable use of the property, including the operation of the current business, exists without the particular types of exterior security barriers installed by the applicant.

- 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 for which the variance is sought are not unique to the parcel of land and have been created by the applicant. The security barriers were installed without a building permit or zoning approval. The applicant states that the business next door has the security barriers and that the subject business currently employs security guards to deter crime. Staff believes being located next to a business that had grandfather rights to the security barriers and criminal activities are not circumstances unique to this parcel of land.

- 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 alter the essential character of the surrounding neighborhood and will be injurious to the use or enjoyment of other property in the area. The applicant states that there are stores and auto shops in the surrounding area that have similar security gates and when in the up position, the subject security barriers are hidden behind an awning. The existence of exterior security barriers along a commercial corridor like West Broadway has negative impacts on the façade and streetscape improvements done by community groups, businesses, and the City along West Broadway.

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- 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.**

Granting the variance would not likely increase congestion in the area or increase the danger of fire safety, nor would the proposed variance be detrimental to welfare or public safety. Reasonable alternatives exist to ensure security of the property.

**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 **deny** the variance to vary the enclosed building requirement to permit exterior security barriers on a retail store at 901 West Broadway in the C2, Neighborhood Corridor Commercial District.