

**Department of Community Planning and Economic Development – Planning Division**  
Variances  
BZZ-3023

**Date:** July 17, 2006

**Applicant:** The American Swedish Institute

**Address of Property:** 2600 Park Avenue, 2620 Park Avenue and 2636 Park Avenue

**Project Name:** The American Swedish Institute Festival Grounds and Parking Field

**Contact Person and Phone:** B. Aaron Parker with B. Aaron Parker & Associates/Metropolis, (612) 824-2915

**Planning Staff and Phone:** Hilary Dvorak, (612) 673-2639

**Date Application Deemed Complete:** June 12, 2006

**End of 60-Day Decision Period:** August 11, 2006

**End of 120-Day Decision Period:** Not applicable

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

**Existing Zoning:** OR2, High Density Office Residence District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 25

**Legal Description:** Not applicable for this application

**Proposed Use:** Festival grounds and surface parking lot

**Concurrent Review:**

**Variance:** of the screening and landscaping requirements.

**Variance:** to reduce the front yard setback along Oakland Avenue South from the required 15 feet to three feet to allow for a surface parking area and a refuse storage enclosure.

**Variance:** to reduce the corner side yard setback along East 27<sup>th</sup> Street from the required 15 feet to eight feet for a surface parking area, to nine feet for a 270 square foot accessory structure and to 13 feet for a pergola.

**Variance:** to increase the height of a fence in the required corner side yard along East 27<sup>th</sup> Street from the permitted three feet to nine feet.

**Applicable zoning code provisions:** Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”; Section 525.520(5) “to vary an increase in the maximum height of a fence” and Section 525.520(25) “to vary the screening and landscaping requirements of this zoning ordinance”.

**Background:** In 2005 the American Swedish Institute purchased the property located at 2636 Park Avenue from Ebenezer Fairview Health Services. The applicant demolished the transitional care facility that stood on the property and graded the site in anticipation of constructing an addition to the museum and a new parking lot and festival grounds. In 2005, the City Planning Commission approved a rezoning, a conditional use permit, a variance and site plan review to allow the applicant to construct a temporary parking lot and festival grounds on the site. The temporary parking lot and festival grounds have not been constructed. Now the applicant is proposing to construct a permanent parking lot and festival grounds which require different applications than those that were approved in 2005. The applicant still intends to construct the addition to the museum within the next five years.

Accessory parking facilities are not subject to site plan review. However, parking facilities are subject to the landscaping and screening requirements found in Chapter 530, Site Plan Review. If the parking facility does not meet the landscaping and screening standards the applicant must apply for a variance of such standards. The following is a list of the standards that apply to parking facilities when not subject to site plan review:

- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.

In this case the design of the parking lot does not meet all of the standards of Chapter 530, Site Plan Review and therefore a variance has been applied for. Specifically, there is not a nine foot-wide landscaped yard along Oakland Avenue South or East 27<sup>th</sup> Street, there is not one tree located every 25 feet along Oakland Avenue South or East 27<sup>th</sup> Street and not every parking space is located within 50 feet of an on-site deciduous tree.

**VARIANCE** - of the screening and landscaping requirements

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

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

**Screening and Landscaping:** The applicant is seeking a variance of the screening and landscaping requirements. Specifically, the applicant is requesting to not comply with the following requirements of Chapter 530, Site Plan Review:

- For parking facilities with over 100 parking spaces a nine foot-wide landscaped yard shall be provided along the public street or sidewalk (Oakland Avenue South and East 27<sup>th</sup> Street);
- Not less than one tree shall be provided for each 25 linear feet of parking frontage (Oakland Avenue South and East 27<sup>th</sup> Street); and
- In parking lots of 10 spaces or more no parking space shall be located more than 50 feet from an on-site deciduous tree (parking spaces along the north end of the parking lot).

The applicant has indicated that the parking lot has been designed with a 71-foot setback from Park Avenue. The expansive green space along Park Avenue will be used as part of the festival grounds for the museum. Although this expansive setback is common along Park Avenue it could be reduced in size to provide additional room for the nine-foot setback along Oakland Avenue South and to accommodate the required number of trees along this side of the site.

The applicant has indicated that in order to construct the parking lot with the minimum parking space and drive aisle dimensions that the setback for the parking lot along East 27<sup>th</sup> Street has to be reduced to eight feet. The applicant can make some of the parking spaces compact in size in order to provide additional room for the nine-foot setback along East 27<sup>th</sup> Street and to accommodate the required number of trees along this side of the site without having to reduce the number of spaces in the parking lot.

As for the site being designed so every parking space is located within 50 feet of an on-site deciduous tree, the only parking spaces that do not meet this requirement are the parking spaces that are currently located on the south side of the museum. The applicant has indicated that these parking spaces are located in the area where the addition will be constructed. If additional trees were planted on the north side of the parking lot they would need to be removed when the addition is constructed.

**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.**

**Screening and Landscaping:** The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance to allow the landscape yard to be less than nine feet in width along both Oakland Avenue South and East 27<sup>th</sup> Street. The entire southern portion of the block is being reconfigured for the parking lot and festival grounds. Parking lots over 100 spaces require a nine-foot

buffer around them in order to provide for additional landscaping to better screen them from surrounding properties. Because there are residential properties across both Oakland Avenue South and East 27<sup>th</sup> Street from the site the Planning Division is recommending that there be nine feet of green space on the applicant's property in order to provide for an appropriate transition area. In addition, in order to appropriately screen the parking lot from the adjacent residential properties the Planning Division is recommending installation of a tree every 25 linear feet on the site around the parking lot on both Oakland Avenue South and East 27<sup>th</sup> Street.

The Planning Division believes that because the parking spaces that are located further than 50 feet from an on-site deciduous tree are located where the proposed addition will be constructed that the circumstances are unique to warrant the granting of the variance.

**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.**

**Screening and Landscaping:** The Planning Division believes that if the parking lot was constructed to meet the standards of Chapter 530, Site Plan Review that it would be in keeping with the spirit and intent of the ordinance. A nine-foot landscape area would provide for an appropriate planting area to buffer the parking lot from the residences across both Oakland Avenue South and East 27<sup>th</sup> Street from the site. In addition, because the parking lot is going to be a permanent part of the site the Planning Division believes that it should be designed to meet the minimum standards of the zoning code.

**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.**

**Screening and Landscaping:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

**VARIANCE** - to reduce the front yard setback along Oakland Avenue South from the required 15 feet to three feet to allow for a surface parking area and a refuse storage enclosure

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

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

**Front yard setback along Oakland Avenue South:** The applicant is seeking a variance to reduce the front yard setback along Oakland Avenue South from the required 15 feet to three feet to allow for a surface parking area and a refuse storage enclosure. The applicant has indicated that the museum is located at the front property line along Oakland Avenue South and that the parking lot and refuse storage enclosure are being constructed in a way that maintains a similar setback.

**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.**

**Front yard setback along Oakland Avenue South:** The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance to allow the parking lot and refuse storage enclosure to be constructed three feet from the front property line given the residential character of Oakland Avenue South. The entire southern portion of the block is being reconfigured for the parking lot and festival grounds. The applicant has designed the parking lot with a 71-foot setback from Park Avenue. Although this expansive setback is common along Park Avenue it could be reduced in size to provide for a greater buffer along Oakland Avenue South. The expansive green space along Park Avenue will be used as part of the festival grounds for the museum.

Parking lots over 100 spaces require a nine-foot buffer around them in order to provide for additional landscaping to better screen them from surrounding properties. Because there are residential properties across the street from the site the Planning Division is recommending that there be nine feet of green space on the applicant's property in order to provide for an appropriate transition area between the parking lot and the nearby residential uses.

**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.**

**Front yard setback along Oakland Avenue South:** The Planning Division believes that if the parking lot and refuse storage enclosure were constructed with a nine-foot setback along Oakland Avenue South that they would be in keeping with the spirit and intent of the ordinance. A nine-foot landscape area would provide for a sufficient planting area to buffer the parking lot from the residences across the street from the site.

**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.**

**Front yard setback along Oakland Avenue South:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

**VARIANCE** - to reduce the corner side yard setback along East 27<sup>th</sup> Street from the required 15 feet to eight feet for a surface parking area, to nine feet for a 270 square foot accessory structure and to 13 feet for a pergola

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict**

**adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Corner side yard setback along East 27<sup>th</sup> Street:** The applicant is seeking a variance to reduce the corner side yard setback along East 27<sup>th</sup> Street from the required 15 feet to eight feet for a surface parking area, to nine feet for a 270 square foot accessory structure and to 13 feet for a pergola. The applicant has indicated that in order to construct the parking lot with the minimum parking space and drive aisle dimensions that the setback for the parking lot along East 27<sup>th</sup> Street has to be reduced to eight feet. As for the placement of the accessory structure and the pergola the applicant has indicated that they were placed closer to the property line than allowed in order to maintain as much contiguous open space for the festival grounds as possible.

**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.**

**Corner side yard setback along East 27<sup>th</sup> Street:** The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance to allow the parking lot to be constructed eight feet from the corner side property line given the residential character of East 27<sup>th</sup> Street. The entire southern portion of the block is being reconfigured for the parking lot and festival grounds. Parking lots over 100 spaces require a nine-foot buffer around them in order to provide for additional landscaping to better screen them from surrounding properties. Because there are residential properties across the street from the site the Planning Division is recommending that there be nine feet of green space on the applicant's property in order to provide for an appropriate transition area between the parking lot and the nearby residential uses. The applicant can make some of the parking spaces compact in size in order to provide additional room for the nine-foot setback without having to reduce the number of spaces in the parking lot.

The Planning Division believes that because there are no structures on the site that establish a setback along East 27<sup>th</sup> Street and because the proposed accessory structure and pergola both maintain at least a nine-foot setback that the circumstances are unique to warrant the granting of the variance to allow the structures to be located closer than 15 feet from the corner side property line.

**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.**

**Corner side yard setback along East 27<sup>th</sup> Street:** The Planning Division believes that if the parking lot, accessory structure and pergola were constructed with a nine-foot setback along East 27<sup>th</sup> Street that they would be in keeping with the spirit and intent of the ordinance. A nine-foot landscape area would provide for a sufficient planting area to buffer the parking lot, accessory structure and pergola from the residences across the street from the site.

**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.**

**Corner side yard setback along East 27<sup>th</sup> Street:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

**VARIANCE** - to increase the height of a fence in the required corner side yard along East 27<sup>th</sup> Street from the permitted three feet to nine feet

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

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

**Fence height:** The applicant is seeking a variance to increase the height of a fence in the required corner side yard along East 27<sup>th</sup> Street from the permitted three feet to nine feet. Please note that only a portion of the fence exceeds three feet in height. The applicant has indicated that because the fence also serves as a sign that the fence needs to be taller than three feet in order to see the sign from a distance. The applicant has also indicated that the height of the existing fence on the north end of the site exceeds nine feet and in order to maintain some consistency between the two fences that a portion of the proposed fence was designed at a height taller than three feet.

**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.**

**Fence height:** The Planning Division believes that the circumstances as described above are unique and warrant the granting of the variance to allow the increase in the height of the fence.

**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.**

**Fence height:** The Planning Division believes that the granting of the variance to increase the height of the fence would be in keeping with the spirit and intent of the ordinance given that the height of the fence on the north end of the property is similar in height to the proposed fence. In addition, incorporating the sign into the design of the fence instead of constructing a freestanding sign on the property would be more visually pleasing.

**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.**

**Fence height:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

### **RECOMMENDATIONS**

#### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance of the screening and landscaping requirements for the property located at 2600 Park Avenue, 2620 Park Avenue and 2636 Park Avenue subject to the following conditions:

1. A nine-foot wide landscaped yard in compliance with section 530.170 of the zoning code shall be provided along both Oakland Avenue South and East 27<sup>th</sup> Street.
2. Not less than one tree shall be located for every 25 feet of parking lot frontage along Oakland Avenue South and East 27<sup>th</sup> Street. Such trees shall be located on the property.
3. Only those parking spaces immediately south of the existing museum may be located more than 50 feet from an on-site deciduous tree.

#### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along Oakland Avenue South from the required 15 feet to nine feet to allow for a surface parking area and a refuse storage enclosure for the property located at 2600 Park Avenue, 2620 Park Avenue and 2636 Park Avenue.

#### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the corner side yard setback along East 27<sup>th</sup> Street from the required 15 feet to nine feet for a surface parking area, to nine feet for a 270 square foot accessory structure and to 13 feet for a pergola for the property located at 2600 Park Avenue, 2620 Park Avenue and 2636 Park Avenue.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the height of a fence in the required corner side yard along East 27<sup>th</sup> Street from the permitted three feet to nine feet for the property located at 2600 Park Avenue, 2620 Park Avenue and 2636 Park Avenue subject to the following conditions:

1. The fence shall be constructed as shown on the plans dated April 14, 2006.

**Attachments:**

1. Statement of proposed use and description of the project
2. Conditional use permit and variance findings
3. Letters to Council Member Lilligren and Midtown Phillips Neighborhood Organization
4. Zoning Map
5. Site plan
6. Light fixture examples
7. Photographs of the site and surrounding area