

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.

CPED Planning Division Report

BZZ-3835

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.

CPED Planning Division Report

BZZ-3835

- 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,

CPED Planning Division Report

BZZ-3835

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.