

**Department of Community Planning and Economic Development - Planning Division Report****Variance Request  
BZZ-3360****Date:** January 4, 2007**Applicant:** Thomas Peterson on behalf of St. Mary's Orthodox Cathedral**Address of Property:** 1701 5<sup>th</sup> St. N.E.**Contact Person and Phone:** Thomas Peterson, (612) 623-1800**Planning Staff and Phone:** Carol Ahlgren (612) 673-2439**Date Application Deemed Complete:** December 4, 2006**Public hearing:** January 4, 2007**Appeal Period Expiration:** January 16, 2007**End of 60 Day Decision Period:** February 2, 2007**Ward: 1      Neighborhood Organization:** Holland Neighborhood Improvement Association**Existing Zoning:** R2B, Two-family District**Proposed Use:** A building addition to an existing place of assembly for an accessible entrance.**Proposed Variance:**

A variance to reduce the front yard setback along 5<sup>th</sup> Street Northeast from 20 ft. to zero (0) ft. for the addition of an elevator.

**Zoning code section authorizing the requested variance:** 525.520 (1)

**Background:** The subject property is approximately 120 ft. by 139 ft. (16,680 sq. ft). The property consists of an existing place of assembly. The property is located on a corner lot along 5<sup>th</sup> Street Northeast and 17<sup>th</sup> Avenue Northeast. The building was constructed in 1957. The applicant is proposing to construct a new 208 sq. ft. elevator addition to the west elevation of the building.

The existing building was constructed using 10 ft. setbacks from the street property line, with the existing main entrance built up to the property lines at the corner of 5<sup>th</sup> Street Northeast and 17<sup>th</sup> Avenue northeast. The existing structure is located approximately 10 ft. from the front property line, 1 ft. from the alley, and 12 ft. from the adjacent residential property to the north. The existing main entrance was built up to the property lines at the street corner of 5<sup>th</sup> Street Northeast and 17<sup>th</sup> Avenue Northeast. The property received a variance in 1973 to reduce the front yard on 5<sup>th</sup> Street from 10 ft. to 0 ft., and from

11 ft., 5 in. to 0 ft. on 17<sup>th</sup> Avenue to allow for a one story covered entrance. The applicant is proposing to add a 208 sq. ft. elevator addition to the west façade which will provide handicap access to the building. The addition is designed to match the original adjacent entry and requires a corner side yard setback variance from 12 ft. to 0 ft. to match the existing entrance. Therefore, the applicant is seeking a variance to reduce the established front yard setback from 12 ft. to 0 ft. to allow for the addition.

**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 Parish Center was constructed in 1957 prior to the current zoning code being adopted, was built to the limits of the building setbacks of the time, 10 ft., with the entry vestibule being built to the property line. The proposed addition will provide a required accessibility alternative to the building at the main entrance, now requires a variance of the current setbacks.

- 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 existing conditions of the building require a variance to allow for an addition for an elevator. The current location has the least impact on the traditional entrance to the building while maintaining the closet proximity to the main entrance.

- 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.**

The design calls for the new work to blend in with the original building's setback, materials, architectural details, and use as an entrance to the building while improving access. The addition is adjacent to the original entrance and maintains the 50 years of access at the same street corner. This corner is over 80 ft. from the nearest residence to the north. Staff believes that the proposed addition is in scale and massing with the existing building and will not significantly impact the character of the area.

- 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 variance will not substantially increase the congestion, fire danger, or effect public safety. It will improve the safe access to and from the building in serving this community that has existed at this location for over 100 years.

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

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 front yard setback from 10 ft. to zero (0) ft. to allow for a 208 sq. ft. addition for an existing place of assembly located at 1701 5<sup>th</sup> Street Northeast in the R2B Two-Family District subject to the following condition:

1. Review and approval of final site plan, elevation, and landscaping plan by CPED-Planning Staff.