

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-4621

**Date:** December 3, 2009

**Applicant:** Dave Heller, Heller Architects Inc.

**Address of Property:** 420 Cedar Lake Road S

**Project Name:** Addition

**Contact Person and Phone:** Dave Heller, (651) 487-8558

**Planning Staff and Phone:** Aly Pennucci, (612) 673-5342

**Date Application Deemed Complete:** November 4, 2009

**End of 60-Day Decision Period:** January 2, 2010

**Ward:** 7      **Neighborhood Organization:** Bryn Mawr Neighborhood Association

**Existing Zoning:** R1A Single Family Residence District

**Zoning Plate Number:** 17

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

**Proposed Use:** Addition to place of assembly

**Variance:**

- Variance to reduce the front yard setback established by the front corner of the adjacent residential structure to the west along Laurel Avenue West from approximately 24 ft. to 20 ft. to allow for a one-story addition
- Variance to reduce the district front yard setback along Cedar Lake Road South from 20 ft. to approximately 13 ft. 4 in. at the closest corner to allow for a one-story addition
- Variance to reduce the front yard setback along Laurel Avenue West to allow a 6 ft. high trash enclosure

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specific Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”

**Background:** The subject site is a triangular shaped through lot with a lot size of 18,590 sq. ft. The property contains an 8,644 sq. ft. place of assembly, constructed in 1942. The applicant is proposing a 542 sq. ft. addition on the east side of the existing structure.

The subject property is a through lot with frontages along both Cedar Lake Road S and Laurel Avenue West. Therefore, this lot is subject to two front yard requirements, one along Cedar Lake Road S and the other along Laurel Avenue West. In the R1A district the minimum front yard setback is 20 ft. The proposed addition on will be located approximately 13 ft. 4 in. at the closest corner from the front property line along Cedar Lake Road S. so a variance is required to reduce the required front yard setback to 13 ft. 4 in. The proposed addition is located within the setback established by the connecting a line from the adjacent neighbor to the west and therefore a variance is required to reduce the front yard setback from approximately 24 ft. to 20 ft.

The applicant is also proposing to locate a dumpster enclosure in the required front yard along Laurel Avenue West. A dumpster enclosure is not a permitted obstruction in the required front yard and therefore a variance is required.

As of writing this staff report, staff has not received any correspondence from Bryn Mawr Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting

**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.**

**Front Yard Variance along Cedar Lake Road:** The applicant is seeking a variance to reduce the district front yard setback along Cedar Lake Road South from 20 ft. to approximately 13 ft. 4 in. at the closest corner to allow for a one-story addition. Due to the triangular shape of the lot the existing building is not located in the required front yard but the proposed addition is. Due to the triangular shape and through lot configuration the zoning code limits the area where an addition can be located on this lot without seeking a variance and the Department of Community Planning and Economic Development – Planning Division does recognize a hardship. An addition to a place of assembly is a reasonable use of the property.

**Front Yard Variance along Laurel Avenue West (addition):** The applicant is seeking a variance to reduce the front yard setback established by the front corner of the adjacent residential structure to the west along Laurel Avenue West from approximately 24 ft. to 20 ft. to allow for a one-story addition to a place of assembly. The existing building is located within the established front yard setback along Laurel Avenue West and the proposed addition is in line or behind the existing structure. Due to the irregular shape and through lot configuration, and the location of the existing structure on the lot, the zoning code limits the area where an addition can be located on this lot without seeking a variance and the Department of Community Planning and Economic Development –

Planning Division does recognize a hardship. An addition to a place of assembly is a reasonable use of the property.

**Front Yard Variance along Laurel Avenue West (dumpster enclosure):** The applicant is seeking a variance to reduce the front yard setback along Laurel Avenue West from 24 ft. to 0 ft. to allow for a 6 ft. high trash enclosure to house dumpsters. Strict adherence to the code requires the construction of trash enclosures and that the subject property maintains the district and established setbacks. The Department of Community Planning and Economic Development – Planning Division staff recognizes a hardship created by the irregular shape and through lot configuration, however staff does not believe that it would be reasonable to construct a trash enclosure and house a dumpster on or over the property line along Laurel Ave S.

Due to the grade changes on the lot strict adherence to the regulations makes it difficult to locate a trash enclosure on the lot without seeking a variance. However, the dumpster location could be located 9 ft. from the front property line along Laurel Avenue S where there is an existing retaining wall and landscaping along the west property line that would minimize the visibility from the adjacent residential property to the west and from the public right of way. This location requires a variance to reduce the established front yard setback along Laurel Avenue W to 9 ft. The Department of Community Planning and Economic Development – Planning Division staff believes that locating the trash enclosure adjacent to the west wall of the church is a reasonable use of the property.

- 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 Variance along Cedar Lake Road and Laurel Avenue West (addition):** The circumstances upon which the front yard setback variances are requested are unique to the parcel of land due to the triangular shape and through lot configuration and have not been created by the applicant. The design of the addition logically follows the line and design of the existing structure

**Front Yard Variance along Laurel Avenue West (dumpster enclosure):** As previously mentioned, the circumstances upon which the front yard setback variances are requested are unique to the parcel of land due to the triangular shape and through lot configuration and have not been created by the applicant, however the Department of Community Planning and Economic Development – Planning Division staff believes that there are alternatives to what was proposed by the applicant to allow for dumpster enclosure that minimizes the impacts to the neighboring property.

- 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 Variance along Cedar Lake Road and Laurel Avenue West (addition):**

The variances are 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 neighboring house immediately to the west of the subject property is also a through lot that faces Laurel Avenue West. The requested variance along Cedar Lake Road S will have little to no impact on this property. In addition, the closest wall of the existing church is set back only 9 ft. from the front property line along Laurel Avenue S.; the proposed addition will be located 20 ft. from the property line at the closest point. Thus, the addition would not be visible from the adjacent home to the west.

**Front Yard Variance along Laurel Avenue West (dumpster enclosure):** The Department of Community Planning and Economic Development – Planning Division staff believes that granting the variance to allow for the construction of the trash enclosure located 0 ft. from the property line will alter the essential character of the surrounding neighborhood, however the alternative location will minimize the impacts on the surrounding neighborhood.

The trash enclosure is provided to comply with Section 535.80 of the zoning code, which states, “Refuse storage containers are required to be enclosed on all four sides by screening compatible with the principal structure, not less than two 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.” Therefore, locating the trash enclosure where visibility from the adjacent residential property and the public right-of-way is minimized in keeping with the intent of the ordinance will therefore not be injurious to the use or enjoyment of adjacent properties.

**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 requested variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the place of assembly be detrimental to the public welfare or endanger the public safety. The proposed addition will does not increase the size or occupancy of the main auditorium and therefore the zoning code does not require any additional off-street parking spaces.

## **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 Board of Adjustment adopt the above findings and **approve** the variance to reduce the front yard setback established by the front corner of the adjacent residential structure to the west along Laurel Avenue West from approximately 24 ft. to 20 ft. to allow for a one-story addition to the side of an existing place of assembly on a through lot located at 420 Cedar Lake Road South in the R1A Single-Family District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.

### **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 Board of Adjustment adopt the above findings and **approve** the variance to reduce the district front yard setback along Cedar Lake Road South from 20 ft. to approximately 13 ft. 4 in. at the closest corner to allow for a one-story addition to the side of an existing place of assembly on a through lot located at 420 Cedar Lake Road South in the R1A Single-Family District.

### **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 Board of Adjustment adopt the above findings and **approve** the variance to reduce the front yard setback established by the front corner of the adjacent residential structure to the west along Laurel Avenue West from 24 ft. to 9 ft. to allow for a 6 ft. high trash enclosure to the side of an existing place of assembly on a through lot located at 420 Cedar Lake Road South in the R1A Single-Family District.:

### **Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to neighborhood organizations and CM
- 3) Zoning map
- 4) Survey
- 5) Site plan
- 6) Floor plans
- 7) Building elevations
- 8) Photographs
- 9) Oblique aerials