

Department of Community Planning and Economic Development – Planning Division
Variance Request
BZZ-5245

Date: August 25, 2011

Applicant: Olufemi Adisa

Address of Property: 697 13th Avenue NE

Contact Person and Phone: Olufemi Adisa, (612) 990-6238

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: July 29, 2011

End of 60 Day Decision Period: September 26, 2011

Ward: 1 Neighborhood Organization: Logan Park Neighborhood Association

Existing Zoning: R2B Two-Family Residence District

Proposed Use: An air conditioning unit accessory to a place of assembly

Variance: to reduce the required corner side yard to allow for an air conditioning unit accessory to an existing place of assembly

Zoning code section authorizing the requested variance: 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.”

Background: The subject property is approximately 133 ft. by 129.3 ft. (17,207 sq. ft.) and consists of an existing place of assembly on a corner lot. The church was constructed at 76 ft. by 119 ft. in 1893. A 66 ft. by 18 ft. addition was constructed towards the rear for a parish house in 1951 and a new front entry with elevator was built in 1989.

Previous land use applications include a conditional use permit, issued in 1986 to allow for a child care center in the existing church. A variance was approved to allow for the new front entry with elevator in 1989.

The Redeemed Christian Church of God – Strong Tower Parish occupies the building. The sanctuary has approximately 1,000 seats, with approximately 500 congregants. Services are held on Wednesdays, Fridays and Saturdays. There is no cooling system on the property; therefore, the church rents a 7 ft. by 13 ft. air conditioning system that sits along the corner side yard adjacent to Monroe Street NE. The air conditioning unit is only in operation on days of service and is located on the property from

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approximately mid-May through the first week of October. The air conditioning unit is not a permitted obstruction in the required corner side yard and needs a variance to be located on the property line.

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

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the required corner side yard to allow for an air conditioning unit accessory to an existing place of assembly

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which a setback variance is requested are unique to the parcel of land and have created a practical difficulty due to the location of the existing building. There is no other location on the property that an air conditioning unit would be located outside of the required yards. In addition, an air conditioning system could not be placed on the roof due to the roof type, which is a modified hip roof.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Staff believes that the applicant is proposing to use the property in a reasonable manner; however the lack of screening is not keeping with the spirit and intent of the ordinance. The zoning code requires all mechanical equipment is required to be screened per Section 535.70 of the zoning code to minimize visual impact:

535.70. - Screening of mechanical equipment. (a) In general. All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) Screened by another structure. Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) Screened by vegetation. Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.

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- (3) Screened by the structure it serves. Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) Designed as an integral part of the structure. If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.
- (b) Exceptions. The following mechanical equipment shall be exempt from the screening requirements of this section:
 - (1) Minor equipment not exceeding one (1) foot in height.
 - (2) Mechanical equipment accessory to a single or two-family dwelling.
 - (3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

The air conditioning unit is not presently screened from view and is located on the property line, approximately 3 ft. to the sidewalk.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Staff believes that the proposed variance would not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity if it is properly screened per Section 535.70 of the zoning code. The applicant states that air intake is through the top of the unit and sound is not an issue. The air conditioning unit is 10 ft. wide and 7 ft. tall with four mechanical arms entering in through the first floor window approximately 15 ft. above grade. The unit is presently located 3 ft. from the public sidewalk and is rather unsightly. Further, staff does not believe that the granting of the variance will be detrimental to the public health safety or welfare.

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 reduce the required corner side yard to allow for an air conditioning unit accessory to an existing place of assembly located at 697 13th Avenue NE in the R2B Two-Family District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Logan Park Neighborhood Association and CM Reich
- 3) Zoning map
- 4) Site plan
- 5) Photographs