

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-4543

Date: September 17, 2009

Applicant: Calvary Baptist Church

Address of Property: 2608 Blaisdell Ave S

Project Name: Calvary Accessibility Project

Contact Person and Phone: Ben Post, (612) 272-4339

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

Date Application Deemed Complete: August 28, 2009

End of 60-Day Decision Period: October 26, 2009

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: R5 Multiple-family Residence District

Zoning Plate Number: 25

Legal Description: Lots 1 Thru 3 Incl and N 37.8 ft. of W 45 ft. of Lot 4 4.

Proposed Use: Place of assembly

Concurrent Review:

- Variance to reduce the rear yard setback from the required 9 ft. to 0 ft., and
- Variance to reduce the minimum width of a drive aisle to allow for maneuvering in the alley.

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;” and (14) “to reduce the minimum required width of parking aisles or to increase the maximum width of driveways in any zoning district, as regulated in chapter 541, Off-Street Parking and Loading, or to reduce the minimum required width of driveways in the residence and OR1 Districts from ten (10) feet to eight (8), provided there is not alley or alternative public access to the lot.”

Background: The subject property is 23,955 sq. ft. and consists of an approximately 32,362 sq. ft. building originally constructed in 1889. The property is located on the southwest corner of Blaisdell Ave South and 26th Street West and is zoned R5 Multiple-family Residence District. This building is a locally designated historic landmark.

The applicant is proposing to add an accessibility ramp on the west elevation of the existing place of assembly building. This proposal requires that the existing accessory parking area be pushed 10 ft. further from the building towards the alley. The proposal was approved by the Minneapolis Heritage Preservation Commission on August 4, 2009 (see attached actions and conditions of approval).

Rear yard setback: The minimum rear yard setback for a three-story non-residential structure in the R5 District is nine feet. Due to the proposed location of the accessibility ramp, the applicant is proposing to relocate the existing off-street parking area in the required rear yard; therefore, a variance is required to reduce the rear yard setback from the required 9 feet to 0 feet.

Drive aisle width (maneuvering in the alley): The applicant is proposing to locate the parking area adjacent to and accessed from the alley. The zoning code requires a minimum drive aisle width of 22 feet and requires that all maneuvering associated with parking occur in the off-street parking area. The proposed parking area will be located approximately 2.5 feet from the alley (0 feet from the property line); therefore a variance is required to reduce the minimum width of a drive aisle to allow for maneuvering in the alley.

The Whittier Alliance provided a letter to the applicant in support of the variance applications. A copy of this letter was provided to staff by the applicant (see attached).

Findings Required by the Minneapolis Zoning Code:

- 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.**

Rear yard setback: The applicant has requested a variance to reduce the required rear yard setback along the west property line from 9 feet to 0 feet to relocate an existing parking area accessory to a place of assembly to allow for the addition of a handicap accessible ramp. Due to the configuration of the lot, and because this property is a locally designated landmark, there are limited areas where an accessibility ramp can be located. Placing the ramp on the west elevation requires that the existing parking area be relocated. Strict adherence to the code would either force the church to be further deficient to their parking requirement or not allow for the addition a handicap accessible ramp. The Department of Community Planning and Economic Development – Planning Division believes that adding a handicap accessible ramp and relocating the accessory parking area is a reasonable use of the property and recognizes a hardship.

Drive aisle width (maneuvering in the alley): The applicant is proposing to locate the parking area adjacent to and accessed from the alley. The proposed parking area will be

located approximately 2.5 feet to the alley and the alley is 20 feet wide. For the reasons stated previously, staff recognizes a hardship and believes that a distance of 22.5 feet to maneuver a vehicle is sufficient. A parking area accessory to a place of assembly and a handicap accessible ramp are reasonable uses for 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.**

Rear yard setback: The circumstances upon which the variance is requested are unique to the parcel due to the configuration of the existing site and the designation as a locally designated historic landmark. These circumstances were not created by the applicant. Setting the parking further to the east an additional 9 feet would comply with the rear yard setback requirement, however it would not allow for the addition of an accessibility ramp to the property.

Drive aisle width (maneuvering in the alley): The circumstances are unique to the parcel of land due to the configuration of the existing site and the designation as a locally designated historic landmark. Residences of one to four dwellings and cluster developments are permitted to use the public rights-of-way for maneuvering; however, other uses are not. The existing accessory parking area does not meet the drive aisle width requirements so a portion of the alley is currently used for maneuvering. Maintaining the existing 10 ft. drive aisle would not allow for the addition of an accessibility ramp to the 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.**

Both variances: The proposed parking area will be located approximately 2.5 feet to the alley (0 feet to the property line) and the alley is 20 feet wide. The Department of Community Planning and Economic Development – Planning Division believes that the proposed distance of 22.5 feet from the parking area to the opposite side of the alley is sufficient to allow for the maneuvering of vehicles and that this arrangement is consistent with the intent of the ordinance. In addition, while the accessory parking area is not currently located in the required yard, maneuvering does currently occur in the required rear yard and the gravel area extends to the alley. The Department of Community Planning and Economic Development – Planning Division believes that granting the variance to allow parking in the required yard adjacent to the alley will not alter the essential character of the locality or be injurious to the use of other property in the vicinity. Landscaping and screening will be provided between the parking area and the street.

- 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.**

Both variances: Granting of the requested variances would likely have no impact on the congestion of area streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety. Because this property is a locally designated landmark, there are limited areas where an accessibility ramp can be located. In order to accommodate the addition of an accessibility ramp that meets the requirements of the Heritage Preservation Commission the parking area must be relocated or eliminated. If the existing parking area was eliminated a variance to further reduce the required off-street parking would be required and may increase the congestion of the public streets.

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 reduce the rear yard setback from the required 9 ft. to 0 ft to allow for a parking area accessory to a place of assembly for the property located at 2608 Blaisdell Avenue South in the R5 Multiple Family Residence District, subject to the following conditions of approval:

1. CPED-Planning reviews and approves the final site plan, elevations and landscaping plan.

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Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Correspondence from neighborhood association
- 3) Copy of e-mail sent to neighborhood organizations and CM
- 4) Zoning map
- 5) Site plan & Floor plans

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- 6) Elevations
- 7) Photographs
- 8) Oblique aerials
- 9) HPC Staff Report and Actions