

**Department of Community Planning and Economic Development – Planning Division**

Variance Request  
BZZ-4036

**Applicant:** Cindy King, on behalf of Charles and Steven Wentworth

**Address of Property:** 2825 13<sup>th</sup> Avenue South

**Contact Person and Phone:** Cindy King, (612) 722-0065

**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670

**Date Application Deemed Complete:** April 22, 2008

**Publication of Staff Report:** May 15, 2008

**Public Hearing:** May 22, 2008

**Appeal Period Expiration:** June 2, 2008

**End of 60 Day Decision Period:** June 21, 2008

**Ward:** 9      **Neighborhood Organization:** Midtown Phillips

**Existing Zoning:** I1 Light Industrial District

**Proposed Use:** Outdoor storage for aircraft parts

**Proposed Variance:** A variance to vary the enclosed building requirements to allow for outdoor storage of aircraft parts located at 2825 13<sup>th</sup> Avenue South

**Zoning code section authorizing the requested variance:** 525.520 (26)

**Background:** The subject site addresses at 2825 13<sup>th</sup> Avenue South, however the site occupies 2815, 2817, 2821, 2825, and 2833 13<sup>th</sup> Avenue South. The subject site encompasses approximately 58,220 square feet. The property contains approximately 18,000 square feet of buildings and is zoned I1 Light Industrial District.

In 1999 the applicant received a business license for a secondhand goods dealer for the sale of aircraft parts. The applicant took over what appeared to be an appliance repair business. To the north of the buildings was an asphalt parking lot that was enclosed by a chain link fence. The chain link fence still exists on the site and the former asphalt parking lot is currently used for the storage of aircraft parts.

**CPED Planning Division Report**  
BZZ-4036

Zoning Enforcement has been working with the property owner for the past few years to bring the subject site into conformance with Zoning Ordinance. The attached site plan represents the applicant bringing the site into compliance. The remaining item the applicant has to resolve is the outdoor storage of the aircraft parts.

In the I1 Light Industrial District there is an enclosed building requirement which requires all production, processing, storage, sales and display be conducted in a completely enclosed building. This is stated in section 550.210 of the Zoning Ordinance.

- 550.210. Enclosed building requirement. (a) In general. All production, processing, storage, sales, display or other business activity in the I1 District shall be conducted within a completely enclosed building, except as otherwise provided in sections (b) through (d) below.
- (b) Outdoor dining. Outdoor dining shall be allowed, provided the following conditions are met:
    - (1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review.
    - (2) Sidewalk cafes shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.
  - (c) Outdoor sales and display. The following uses may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use as specified in Chapter 530, Site Plan Review:
    - (1) Building materials sales.
    - (2) Direct refueling of motor vehicles.
    - (3) Permitted drive-through facilities.
    - (4) Truck, trailer, boat, or recreational vehicle, sales, service or rental, subject to the regulations of this chapter governing the outdoor parking of trucks and other commercial vehicles.
    - (5) Lawn and garden sales.
  - (d) Outdoor speakers. Outdoor speakers shall not be audible from a residence or office residence district boundary or a permitted or conditional residential use. (2002-Or-092, § 1, 9-13-02; 2006-Or-091, § 2, 7-21-06)

In the I2 Medium Industrial District outdoor storage is allowed, providing the following conditions are met:

- (1) Areas fronting along or visible from public streets or sidewalks. A landscaped yard at least five (5) feet wide and screening not less than six (6) feet in height and not less than ninety-five (95) percent opaque shall be provided along the public street or sidewalk, as specified in Chapter 530, Site Plan Review.
- (2) Areas within three hundred (300) feet of a residence or office residence district or adjacent to any zoning district other than an I2 or I3 District. Screening not less than six (6) feet in height and not less than ninety-five (95) percent opaque shall be provided along the property line, as specified in Chapter 530, Site Plan Review.

The subject site is not listed as one of the uses that is allowed outdoor sales and display in the I1 Light Industrial District. A variance is required to the enclosed building requirement to allow for the outdoor storage of aircraft parts.

**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 applicant has requested a variance of the enclosed building requirement to allow for the outdoor storage, sales, and display of aircraft parts. The applicant states that “Wentworth aircraft could not operate its business at this location without the ability to display and sell these items, the business would be forced to move or close, possibly eliminating the 25 employees currently working there.” Strict interpretation of the Zoning Ordinance does not require that the business move; it requires that the storage, sales and display of the aircraft parts be entirely within an enclosed building. The applicant has the option to construct a building or place the materials in the existing buildings on the site. Staff does not believe there is undue hardship caused by the Zoning Ordinance.

- 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 conditions upon which the variance is sought are not unique to the site. The site has no unusual physical characteristics. It borders residential property which is common in Minneapolis. When the site was purchased it had a fenced-off asphalt parking lot, which the applicant later used for the storage of aircraft parts.

The use of the property as a secondhand dealer of aircraft parts is a unique business; however that use can be continued if it was within an enclosed building. The applicant’s reluctance to store the aircraft parts in an enclosed building is creating the need for the variance. Staff believes that this reluctance is rooted in the economic consideration of constructing a building to enclose the aircraft parts.

- 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 applicant states that the subject site does not have additional outdoor lighting nor does it have outdoor speakers. The outdoor storage area is screened by 8 foot tall wall and enclosed with a chain link fence. The applicant states that aircraft storage as detailed and conditioned by the applicant would have similar or less negative impacts as a building material sales use, which is permitted to have outdoor sales and display in the I1 Light Industrial District.

**CPED Planning Division Report**  
BZZ-4036

The spirit and intent of the enclosed building requirement in the I1 Light Industrial District is to mitigate the negative externalities of outdoor storage, sales and display. Outdoor storage is first allowed in the I2 Medium Industrial District. The reason for this can be found in the purpose of the two zoning districts

- The purpose of the I1 Light Industrial District is to provide clean, attractive locations for low impact and technology-based light industrial uses, research and development, and similar uses which produce little or no noise, odor, vibration, glare or other objectionable influences, and have little or no adverse effect on surrounding properties.
- The purpose of the I2 Medium Industrial District is to provide locations for medium industrial uses and other specific uses which have the potential to produce greater amounts of noise, odor, vibration, glare or other objectionable influences than uses allowed in the I1 District and which may have an adverse effect on surrounding properties.

By allowing outdoor storage in the I2 Medium Industrial District and not allowing it in the I1 Light Industrial District the ordinance recognizes that outdoor storage may have an adverse effect on surrounding property. Staff believes that not allowing outdoor storage of aircraft parts is in keeping with the spirit and intent of the ordinance. Despite the applicant's best efforts and intentions of being a good neighbor staff believes that the outdoor storage may have adverse impacts on the surrounding 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 variance would not likely increase congestion in the area or increase the danger of fire safety, nor would the variance be detrimental to welfare or public safety.

**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** a variance to vary the enclosed building requirements to allow for outdoor storage of aircraft parts located at 2825 13<sup>th</sup> Avenue South in the I1 Light Industrial District.

**Attachments**

1. Applicant's statement
2. Map of the area
3. Site Plan
4. Pictures
5. Letter from Midtown Phillips Neighborhood Association, Inc