

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3973

Date: April 24, 2008

Applicant: Tom Larsen

Address of Property: 2212 Minnehaha Avenue

Contact Person and Phone: Tom Larsen, 612-721-3383

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: March 17, 2008

Publication Date: April 17, 2008

Hearing Date: April 24, 2008

Appeal Period Expiration: April 28, 2008

End of 60 Day Decision Period: May 18, 2008

Ward: 2 **Neighborhood Organization:** Seward Neighborhood Group

Existing Zoning: I2 Medium Industrial District, IL Industrial Living Overlay District, and PO Pedestrian Oriented Overlay District

Proposed Use: Establish screening and parking surface requirements for a medium industrial use

Proposed Variances:

- A variance to eliminate required screening for outdoor storage, and
- A variance to vary the surface parking requirements for outdoor storage at 2212 Minnehaha Avenue in the I2 Medium Industrial District, IL Industrial Living Overlay District, and PO Pedestrian Oriented Overlay District.

Zoning code section authorizing the requested variance: 525.520 (16) (25)

Background: The subject property is AA Equipment Company, a commercial refrigeration business. The main building for AA Equipment is located at 2212 Minnehaha Avenue, and the business has a outdoor storage lot that is located at 2308-2310 Minnehaha Avenue, which is on the same block, but separated from the main office building by another outdoor storage lot. The variances requested are for the AA Equipment outdoor storage lots.

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Screening:

The applicant was issued a citation from Zoning Inspections staff that the outdoor storage lot does not meet the requirements for screening or parking surface materials. The outdoor storage lot has seven trailers on the property, which are not mobile, but used for storage of refrigeration units. This area is also used for parking employee vehicles. The citation required the applicants to either install screening of the trailers and pave the parking area or apply for a variance to relax these requirements. The applicant is applying for these variances.

In the I2 District, outdoor storage is allowed; however, it must be screened from the right-of-way with a minimum 6 ft. fence, wall, or opaque vegetation such as tall shrubs or bushes, for example, arbor vitae. The trailers are located approximately 24 ft. from a 7 ft. tall chain link fence that is located along the sidewalk. There are deciduous volunteer trees and brush growing between the fence and the trailers, however, it does not appear to be consciously planted or maintained by the property owner. This vegetation provides screening when the trees and brush have leaves on them; however, during the seasons when the leaves are not present, the trailers are more visible from the right of way.

Surface parking requirements:

The zoning code requires that parking areas be covered with a hard material, such as asphalt or concrete. Single-family homes are the only use that is exempt from this requirement.

541.300. Surfacing. (a) In general. All open off-street parking areas, all driveways leading to such parking areas, and all other areas upon which motor vehicles may be located, except where accessory to a single-family dwelling, shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds. In addition, all driveways in commercial and industrial districts leading to areas other than off-street parking areas shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds for a minimum of twenty (20) feet from the curb line. Acceptable surfacing materials shall include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards.

The outdoor storage space is not providing required off-street parking for the use. The applicant also accesses the storage trailers with service trucks to move refrigeration units back and forth from the building in which the repairs take place. The rear alley access is controlled by a gated fence which is closed at the end of business.

The surrounding area is a mix of industrial, commercial and residential uses. The block in which the site is located has a number of industrial and commercial properties. Across Minnehaha, there are single and two-family dwelling units and also a large multi-family building north one block from the subject site. In addition to the industrial zoning, the site is also zoned for IL Industrial Living Overlay District and with the Franklin LRT Station Area PO Pedestrian Oriented Overlay District.

Findings Required by the Minneapolis Zoning Code:

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- 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.**

A variance to eliminate required screening for outdoor storage:

The zoning code requires that outdoor storage in the I2 District be screened from the public right of way. While there is vegetation that does screen the outdoor storage part of the year, this is not adequate screening during winter months. There is sufficient space to install an opaque fence on the property and this regulation would not cause an undue hardship on the property.

A variance to vary the surface parking requirements for outdoor storage:

The zoning code requires that parking areas with heavy use have a hard surface to drive and park on. This site does not provide required off-street parking for the use, but is mainly used for storage facilities. Paving an area that is not regularly used for parking may create a hardship in that hard surface would increase impervious surface and the water run off of the site.

- 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.**

A variance to eliminate required screening for outdoor storage:

The circumstances for eliminating the screening requirement are not unique due to the available space that can be used for screening. There is adequate space between the property line and storage trailers to install a fence, even a fence close to the trailer which would limit the disturbance of existing trees and shrubs. While this vegetation does screening the storage part of the year, without the foliage present, the trailers are highly visible from the right of way.

A variance to vary the surface parking requirements for outdoor storage:

The circumstances for eliminating the hard surface requirement are unique to the property, due to unnecessary parking that occurs in the space. This site does not provide required off-street parking for the use, but is mainly used for storage facilities. Eliminating regular parking on the site would relax the need to cover the surface with paving materials.

- 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.**

A variance to eliminate required screening for outdoor storage:

The intent of screening requirement in the ordinance is to limit the visual impact of outdoor storage and improve aesthetics of commercial and industrial areas. The outdoor trailers are visibly from the sidewalk, Minnehaha Avenue and the residences across the street. Screening the outdoor storage lessens the impact that the industrial use has on the adjacent residential uses.

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The screening would be required only around the trailers and not the entire length of the property.

A variance to vary the surface parking requirements for outdoor storage:

The intent of the surface parking requirements is to minimum impacts of parking areas, especially the dust, mud, water run off, and other byproducts of a dirt or gravel parking area. In this situation, the applicant has explained how water does not run off the property, in fact, the ground has a concave surface in which rain water can penetrate the surface. In addition the outdoor storage area does not need to be used for parking because this area is not used to provide required off-street parking.

The site is located with the Franklin LRT Transit Station PO Pedestrian Oriented Overlay District, which is intended to provide for pedestrian friendly development as well as commercial and residential development that will serve the transit stations. While there are no eminent plans for redevelopment of the property, staff is aware that parking lot improvements may hamper other City policies for this area, such as potential redevelopment activities along this block.

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.**

A variance to eliminate required screening for outdoor storage:

Staff is concerned that installing a fence would create an unsafe space between the existing chain link fence and the storage trailers and thus be detrimental to the public welfare or endanger the public safety. While the existing chain link fence is 7 ft tall, there may be a situation in which someone would access the space and be trapped behind the screening fence. Staff asks that the screening fence be located near the trailers, and not closer to the property line. The required fence would only need to screen the trailers, and not run along the entire length of the property. The variances will have little impact on congestion of area streets or fire safety.

A variance to vary the surface parking requirements for outdoor storage:

The variance will have little impact on congestion of area streets or fire safety, nor would the parking variance be detrimental to the public welfare or endanger the 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 the variances to eliminate required

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screening for outdoor storage at 2212 Minnehaha Avenue in the I2 Medium Industrial District, IL Industrial Living Overlay District, and PO Pedestrian Oriented Overlay District.

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 vary the surface parking requirements for outdoor storage at 2212 Minnehaha Avenue in the I2 Medium Industrial District, IL Industrial Living Overlay District, and PO Pedestrian Oriented Overlay District, subject to the following conditions:

1. Permanent off-street parking is not allowed in the outdoor storage area, and
2. CPED-Planning review and approve final site plans, floor plans and elevations.