

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4677

Date: February 11, 2010

Applicant: Lutheran Church of Christ the Redeemer

Address of Property: 5440 Penn Avenue South

Project Name: Lutheran Church of Christ the Redeemer Bell Tower

Contact Person: Pastor Mary Albing, (612) 926-5414

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

Date Application Deemed Complete: January 15, 2010

End of 60 Day Decision Period: March 16, 2010

Ward: 13 **Neighborhood Organization:** Armatage Neighborhood Association

Existing Zoning: R2B Two-Family District

Zoning Plate Number: 35

Legal Description: Not applicable

Proposed Use: A new bell tower structure accessory to an existing place of assembly

Concurrent Review:

- Variance to reduce the required front yard setback established by adjacent structures along Penn Avenue South from 37 ft. to 32 ft. to allow for bell tower accessory to a place of assembly
- Variance to increase the maximum height of an accessory structure from 12 ft. to 16 ft. to allow for a bell tower accessory to a 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” and Section 525.520(4) “to vary the height requirements for any structure...”

Background: The subject property is approximately 146 ft. by 126.5 ft. (18,469 sq. ft.). The property consists of an existing place of assembly and parking area. The property is located on a corner lot along 55th Street West and Penn Avenue South. The structure was originally constructed in 1946. Recent approvals for the property include a series of variances to allow for the construction a new 20 ft. by 36 ft. addition to allow for a new narthex on the entry level and a new Sunday school classroom on the lower

level, a new patio that is approximately 24 ft. by 40 ft. and 8 ft. wide stairs in front of the new addition, along Penn Avenue South.

The existing structure is located approximately 27 ft. from the front property line and the applicant is proposing to locate the accessory bell tower structure approximately 32 ft. to the front property line along Penn Avenue South. The adjacent structure to the north is a two-family residence and it is located approximately 37 ft. to the front property line. Therefore, the applicant is seeking a variance to reduce the established front yard setback created by the adjacent property along Penn Avenue South from 37 ft. to 27 ft. to allow for the addition of the attached garage.

The maximum height of an accessory structure in the R2B Two-Family Structure shall not exceed twelve (12) ft. per 537.50 of the zoning code. The proposed height of the bell tower is 16 ft. measured at the midpoint of the gable truss. Therefore, the applicant is requesting a variance to increase the maximum height of a detached accessory structure from 12 ft. to 16 ft. This is the maximum height allowed with a variance per section 525.520(4):

525.520. Authorized variances. (4) Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded, and provided further that the maximum height of any accessory structure shall not exceed sixteen (16) feet or sixty (60) percent of the height of the structure to which it is accessory, whichever is greater.

As of writing this staff report, staff has not received any correspondence from the Armatage 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 reduction: The applicant is seeking a variance to reduce the required front yard setback along Penn Avenue South from the established setback of 37 ft. to 32 ft. to allow for the proposed bell tower. The proposed bell tower will be placed where an existing cross was previously located. The bell tower will be located 6 ft. behind the front of the existing place of assembly. If the bell tower was relocated to 5 ft. further for the front property line, a variance would be required to allow for an accessory structure within 6 ft. of a principal structure. The only location on the property that would allow for the bell tower and not require a variance would be within the existing parking area. Strict adherence to the ordinance would not allow for the proposed bell tower without a variance to the location of the structure or eliminating a parking space. Staff believes the proposed bell tower is a reasonable accessory use of the property.

Height increase: The applicant is seeking a variance to increase the maximum height of an accessory structure from 12 ft. to 16 ft. to allow for the proposed bell tower. The proposed bell tower will be located 6 ft. behind the front of the existing place of assembly and will replace an

existing cross which is approximately 25 ft. in height. The cross was recently relocated to another location on the site. Strict adherence to the regulations would prohibit the height of the proposed bell tower, which is 9 ft. shorter than the existing cross. Staff believes the proposed bell tower is a reasonable accessory 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 reduction: The circumstances upon which the variance is requested are unique to the parcel due to the configuration of the existing site and the increased front yard required due to the adjacent structure to the north. The applicant is seeking a variance to reduce the required front yard setback along Penn Avenue South from the established setback of 37 ft. to 32 ft. to allow for the proposed bell tower. The proposed bell tower will replace an existing cross which is approximately 25 ft. in height. The bell tower will be located 6 ft. behind the front of the existing place of assembly. If the bell tower was relocated to 5 ft. further for the front property line, a variance would be required to allow for an accessory structure within 6 ft. of a principal structure. The only location on the property that would allow for the bell tower and not require a variance would be within the existing parking area. The bell tower is a common accessory structure to the building and the site and could not be proposed in a different location without reducing the parking area or requiring variance. Additionally, the existing site conditions, with respect to the parking area and the location of the adjacent structure are circumstances unique to the parcel of land.

Height increase: The circumstances upon which the variance is requested are unique to the parcel due to the configuration of the existing site. The applicant is seeking a variance to increase the maximum height of the bell tower from 12 ft. to 16 ft. The proposed bell tower will replace an existing cross which is approximately 25 ft. in height and will be located 6 ft. behind the front of the existing place of assembly. Additionally, the grading of the site is much lower at the southeast corner of the site and the bell tower will appear to be shorter than 16 ft. from the properties to the north and will not be visible to the residences to the west, as the bell tower will be blocked by the building. Therefore, the existing site conditions, with respect to the existing grade are circumstances unique to the parcel.

- 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 reduction: Granting the variance to reduce the required front yard to allow for the bell tower will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity. The proposed bell tower will replace an existing cross which is approximately 25 ft. in height. The bell tower will be located 6

ft. behind the front of the existing place of assembly. Staff believes that the proposed bell tower is in scale with the existing building and will not significantly impact the character of the area.

Height increase: Granting the variance to increase the height of an accessory structure to allow for the bell tower will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity. The proposed bell tower will replace an existing cross which is approximately 25 ft. in height. The bell tower will be located 6 ft. behind the front of the existing place of assembly. Staff believes that the proposed bell tower is in scale with the existing building and will not significantly impact the character of the area, because they will be located on the corner of a busy intersection.

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 fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety. The applicant must obtain a building permit for the proposed structure.

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 **approve** the variance to reduce the required front yard setback established by the adjacent structure along Penn Avenue South from 37 ft. to 32 ft. to allow for bell tower accessory to a place of assembly located at 5440 Penn Avenue South in the R2B Two-Family District, subject to the following condition:

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

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 **approve** the variance to increase the maximum height of an accessory structure from 12 ft. to 16 ft. to allow for a bell tower accessory to a place of assembly located at 5440 Penn Avenue South in the R2B Two-Family District, subject to the following condition:

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

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Armatage Neighborhood Association and CM Hodges
- 3) Zoning map
- 4) Site plan
- 5) Building elevations
- 6) Photographs