

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-4742

**Date:** April 22, 2010

**Applicant:** Augustana Lutheran Church

**Address of Property:** 1900 11<sup>th</sup> Avenue South

**Project Name:** Community Emergency Phase II

**Contact Person:** Paul Anderson of CMC, Inc., (763) 509-9155

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

**Date Application Deemed Complete:** March 18, 2010

**End of 60 Day Decision Period:** May 17, 2010

**Ward:** 6            **Neighborhood Organization:** Ventura Village Neighborhood Association

**Existing Zoning:** R2B Two-Family District

**Zoning Plate Number:** 20

**Legal Description:** Not applicable

**Proposed Use:** An addition to an existing place of assembly

**Variance:** to reduce the required front yard setback along 19<sup>th</sup> Avenue South from the setback established by adjacent structure to the south from 38 feet to 8 feet to allow for an addition 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”.

**Background:** The subject property is approximately 128 ft. by 150 ft. (19,200 sq. ft.). The property consists of an existing place of assembly, food shelf and parking area. The property is located on a corner lot along 19<sup>th</sup> Street East and 11<sup>th</sup> Avenue South. The structure was originally constructed in 1919.

The existing structure is located approximately 5.3 ft. from the front property line at the closest point and the applicant is proposing to construct the addition approximately 8 ft. to the front property line along 11<sup>th</sup> Avenue South. The purpose of the addition is to allow for an accessible entrance and elevator to service the existing building. Presently there are no handicapped accessible entries to the building. The adjacent structure to the south is a single-family residence and it is located approximately 38 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 11<sup>th</sup> Avenue South from 38 ft. to approximately 8 ft. to allow for the addition to the structure to allow for an accessible entrance and elevator.

As of writing this staff report, staff has not received any correspondence from the Ventura Village 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.**

The applicant is seeking a variance to reduce the required front yard setback along 11<sup>th</sup> Avenue South from the established setback of 38 ft. to approximately 8 ft. to allow for the proposed addition. The purpose of the addition is to allow for an accessible entrance and elevator to service the existing building. Presently there are no handicapped accessible entries to the building. The location of the proposed addition is directly adjacent to the proposed handicapped accessible parking stalls. The adjacent structure to the south is a single-family residence and it is located approximately 38 ft. to the front property line. If the proposed accessible entrance were relocated outside of the required front yard, 38 ft. to the front property line, it would most likely not comply with the accessibility code. Strict adherence to the ordinance would not allow for the proposed addition without a variance to the location of the structure and therefore would cause undue hardship. Staff believes the proposed addition is a reasonable accessory use of the property and that the applicant can mitigate the any potential visual impacts of the addition and relocated parking area by improving the landscaping and screening on 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.**

The circumstances upon which the variance is requested are unique to the parcel due to the location of the existing structure on the site, the proposed parking area and the increased front yard required due to the adjacent structure to the south. The existing structure is located 5 ft. to the front property line and the adjacent structure is setback 38 ft. from the front property line. If the proposed accessible entrance were relocated outside of the required front yard, 38 ft. to the front property line, it would most likely not comply with the accessibility code. The accessibility code states “[t]he exterior accessible route shall be the shortest, most direct route possible and shall coincide with the general route of travel.” If the accessible entrance and route were relocated to the rear of the building, it would not coincide with the route for the general public.

**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.**

Granting the variance to reduce the required front yard to allow for the proposed addition 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 addition is located approximately 50 ft.

to the adjacent structure. In addition, the applicant is proposing landscaping and screening along the south property line to reduce and visual impacts to the parking lot and addition. Staff believes that the proposed addition is in scale and matches materials to the existing building and will not significantly impact the character of the area.

**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 of the requested variance 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 addition.

**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 along 19<sup>th</sup> Avenue South from the setback established by adjacent structure to the south from 38 feet to 8 feet to allow for an addition to a place of assembly for the property located at 1900 11<sup>th</sup> Avenue South in the R2B Two-Family District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final site and elevation plans.
2. Site improvements shall be completed by April 22, 2011, or the approvals may be revoked for non-compliance.

**Attachments:**

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