

**Department of Community Planning and Economic Development - Planning
Division Report**

Variance Request
BZZ-4490

Date: August 13, 2009

Applicant: Community Covenant Church

Address of Property: 901 Humboldt Avenue North

Contact Person and Phone: Carleton Johnson, (612) 374-3935

Planning Staff and Phone: Robert Clarksen, (612) 673-5877

Date Application Deemed Complete: July 8, 2009

End of 60 Day Decision Period: September 7, 2009

Ward: 5 **Neighborhood Organization:** Near North

Existing Zoning: R4, Multiple Family Residential District

Proposed Use: Renovation of the front entry and access to an existing place of assembly that involves an enlargement of a walkway and stairs near the front of the building.

Proposed Variance:

- a variance to reduce the required front yard setback along Humboldt Avenue North from 15 feet to 11 feet 8 inches to allow the enlargement of an existing walkway near the front entrance.
- a variance to increase the maximum width of stairs in the required front yard from 6 feet to a maximum width of 15 feet 6 inches.

Zoning code section authorizing the requested variance: 525.520 (1)

Background: The subject property is a zoning lot of approximately 66,000 square feet (roughly 1½ acres) at the intersection of Humboldt Avenue North and Barnes Place, which consists of 11 platted lots. Of these, 5 lots are oriented toward Barnes Place, and are located across a public alley to the north of principal structure. The principal structure is located on 6 lots south of this alley and these lots are oriented to Humboldt Avenue. The property is improved with an existing Place of Assembly and an off-street parking lot adjacent to the north side of the structure capable of parking approximately 25 vehicles. The place of assembly occupies approximately 12,000 square feet, and was constructed in 1966. The principal structure on the site is isolated from other structures on the block, as

there are only two single family dwellings west of the public alley on the block. A single family home at 815 Humboldt Avenue North is approximately 150 feet south of the subject building, the other, at 1417 Barnes Place, is located near the northwest corner of the subject site and over 200 feet from the nearest part of the subject building. The north/south alley behind the subject property runs parallel the curvilinear alignment of Irving Avenue North, one block to the west. The applicant proposes to remodel the front walkway approaching an underutilized entrance to the building nearest to the front property line by widening the paved walkway surface and the associated concrete stairs which approach the building from the public sidewalk.

The existing structure is located approximately 16'9" from the front property line along Humboldt Avenue, and portions of the existing walkway project into the required front yard, such that the existing front setback is approximately 14'6". If the walkway is widened as proposed, the setback for the walkway would be reduced to 12 feet from the front lot line. The intent of the remodeling project is to create a more functional, attractive experience for users of the building, and a wider walkway is described as integral to creating the desired experience. Staff understands the project will include improvements to the appearance of the doors at the front entrance, as well as additional wall signage on a new retaining wall to replace a deteriorated wall that forms part of the current walkway.

The project also involves changes to the visitor's experience when approaching and entering the building from the public sidewalk. The combination stairway/walkway connecting the front entrance to the sidewalk will be enlarged beyond the 8 foot maximum width of a walkway as a permitted obstruction in the required front yard. The second variance application addresses this aspect of the project, as the walkway width varies from a minimum of 8 feet wide at the public sidewalk to a maximum of 15' 6" at the top of a curvilinear series of steps located halfway to the front entrance.

The plan submitted by the applicant contains references to a "Phase 2" of the project which will require additional review at a date to be determined.

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 setback encroachment for walkway expansion: The applicant is seeking a variance to reduce the required front yard setback along Humboldt Avenue North from the minimum 15 feet to 11' 8" to allow the enlargement of an existing walkway near the front entrance. The existing structure is 150 to 200 feet from the nearest dwelling and is set back from the street in a manner consistent with traditional neighborhood development typical of construction on similar parcels in the R4 district. The expansion of the existing walkway will further encroach upon the front required yard, but this encroachment into the setback will

have a negligible impact on any adjacent development and therefore should be construed as a reasonable request. Strict adherence to the regulations of the ordinance in this instance would require the applicant revise the project such that the design of the walkway would not allow for the accommodation of pedestrian traffic necessary at peak periods of building use, and this would represent a hardship.

Maximum width of the proposed stair/walkway in the required front yard:

The applicant is seeking an additional variance to allow the width of the proposed stair and walkway to exceed to maximum width for walkways in the required yard from 8 feet to a maximum of 15' 6" near the top step. The design of the walkway narrows to the maximum provided by the zoning code at the sidewalk and provides visible interest from the front property line. The applicant will also make structural enhancements combined with improvements to the façade and a retaining wall to complement the wider walkway. All of these components of the project are necessary to accomplish the intent of the project which is to provide a better connection of the use to the street. If the City were to deny the walkway variance component of the project, the applicant would be required to construct a walkway with reduced visual prominence, defeating part of the purpose of the project overall.

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 setback encroachment for walkway expansion:

The circumstances are unique to the parcel of land, as the enlargement of the walkway could not occur in an area outside of the setback due to the location of the existing structure on the property. The building and the existing front walkway currently encroach upon the minimum front setback in the R4 zoning district, but the space is not wide enough to accommodate peak traffic in and out of the building. Requiring the walkway to comply with the 15 foot minimum setback in this case would cause an undue hardship, especially given the distance to the nearest adjacent structure.

Maximum width of the proposed stair/walkway in the required front yard:

The circumstances upon which the variance is requested are unique to the parcel due to the configuration of the existing site. The walkway width meets the maximum requirement at the connection to the sidewalk and gradually widens upon approach to the building. The design is such that most users of the walkway will be directed to the remodeled front entrance, but some may continue straight toward the parking lot or side entrances. The applicant could reduce the width of the walkway overall to meet the 8 foot requirement, but this would detract from the quality of the overall design. CPED staff believes the project will enhance the

presence of the front entryway and better connect it with the public sidewalk, which is a reasonable use of 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.**

Front yard setback encroachment for walkway expansion:

Granting the variances for the project as proposed will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity.

The proposed changes to the building are appropriate to the era of construction and should have little to no affect on adjacent residential uses, as the nearest home is over 150 feet from the nearest part of the subject building. Further, the project keeps with the spirit of the ordinance, which is intended to provide for construction that complements the scale of existing buildings, and lends to a site design that is harmonious the surrounding residential area. The proposed alterations will improve the appearance of the property in a manner consistent with policies in the Minneapolis Plan (Article 9.15) regarding appropriate treatment of nonresidential uses in residential areas, which includes an implementation step that promotes quality building and site designs appropriate for surrounding uses. Further, the impact upon impervious surfaces would be negligible in comparison with the overall size of the property.

Maximum width of the proposed stair/walkway in the required front yard:

The scope of the project is intended to magnify the presence of the new front entryway and its connection to the public walk by providing a grand approach from the street. The alterations to the walkway will enhance the main entrance by providing a grand approach to the building and lending visual interest to the subject property and adjacent uses. The building and site design includes multiple access points on the North, South, and East sides, but it lacks a strong connection to the street. Currently, most of the church patrons prefer to enter the building from the North side near the existing parking lot. The proposed alterations will improve the appearance of the property. Therefore, the design is consistent with the Minneapolis Plan (Article 9.15) regarding the appropriate treatment of nonresidential uses in residential areas, and the implementation step intended to promote quality site and building designs that are appropriate for surrounding uses. The enhanced width of the walkway is appropriate for the scale and type of use on the property and should not alter the character of the neighborhood or have negative impacts on adjacent uses.

- 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.**

All variances: The subject site includes a parking lot for 25 to 30 vehicles along the north side of the building, which serves the institution. A visual inspection by CPED staff indicated the lot tends to comply generally with the provisions of the zoning code related to parking lot design and maintenance, and site improvements are not being requested or required at this time. Granting of the requested variances would likely have no impact on the congestion of area streets or fire safety. The variance is unlikely to result in detrimental effects upon the public welfare or safety. In fact, the proposed enhancements to the entryway are likely to support policies of the comprehensive plan as described above.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** a variance to reduce the required front yard setback along Humboldt Avenue North from 15 ft. to 11' 8" to allow the enlargement of an existing walkway near the front entrance for the property located at 901 Humboldt Avenue North.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** a variance to increase the maximum width of a stair in the required front yard from 6 feet to a maximum width of 15 feet 6 inches for the property located at 901 Humboldt Avenue North.