

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2113

Date: December 16, 2004

Applicant: Minneapolis Park and Recreation Board

Address of Property: 2212 Jackson Street NE

Date Application Deemed Complete: November 22, 2004

End of 60 Day Decision Period: January 21, 2005

End of 120 Day Decision Period: March 22, 2005

Appeal Period Expiration: December 27, 2004

Contact Person and Phone: Deborah Boyd, 612-230-6460

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

Ward: 3 **Neighborhood Organization:** Holland Neighborhood Improvement Association

Existing Zoning: R2B District, Two-family District

Proposed Use: Replace park equipment

Proposed Variance: A variance to reduce the required front yard setback along Jackson Street 20 ft. to 0 ft. to allow for the replacement and expansion of a play container and to construct a pool mechanical utility box and a wood enclosure for a portable toilet.

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

Background: The subject site is 380 ft. x 300 ft. (114,000 sq. ft.) and comprises an entire block. The applicant is proposing to replace park equipment, including a play area and wading pool and to construct a pool mechanical utility box and wooden enclosure for a portable toilet. The existing play area is already located in the required 20 ft. front yard setback and new equipment will be installed. The play area, utility box, and wooden enclosure for the portable toilet will all be located required front yard in the south east portion of the park.

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: The applicant is seeking a variance to reduce the front yard setback along Jackson Street from 20 ft. to 0 ft. to allow for the replacement and expansion of a play container and to construct a pool mechanical utility box and a wood enclosure for a portable toilet. These features are not permitted obstructions in a required front yard. The applicant states the parcel of land and entire block is a park and not residential, therefore making the required residential front yard setback unique to the parcel of land. Based on the submitted information regarding the location of existing and proposed improvements, this variance request seems reasonable.

- 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: The circumstances upon which the variance is requested are unique to the parcel of land. The R2B District has a 20 ft. front yard setback requirement. However, the existing and proposed improvements encroach on the front yard setback. The play containers have not been updated since 1973 and since that time, playground safety standards require larger safety zone areas. The wading pool will also be brought up to current accessibility and health standards, which includes a zero depth entry pool and adding a pool filtration and mechanical system. The unique circumstance that the entire block is park with residential setbacks has not been created by the applicant.

- 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: Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area or be injurious to the use or enjoyment of property in the vicinity. Existing play equipment is located in this area and the entire block is parkland.

- 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.**

Front yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed setback 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 **approve** a variance to reduce the required front yard setback along Jackson Street 20 ft. to 0 ft. to allow for the replacement and expansion of a play container and to construct a pool mechanical utility box and a wood enclosure for a portable toilet

1. That the Planning Division review and approve the final site and elevation plans that measure to an architect or engineering scale.