Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-4243

Date: November 20, 2008

Applicant: Michael Rodning Bash

Address of Property: 1115-30th Avenue North

Contact Person and Phone: Michael Rodning Bash, 612-8870-9940

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

Date Application Deemed Complete: October 30, 2008

Publication Date: November 14, 2008

Hearing Date: November 20, 2008

Appeal Period Expiration: December 1, 2008

End of 60 Day Decision Period: December 29, 2008

Ward: 3 **Neighborhood Organization:** Hawthorne Area Community Council

Existing Zoning: R2B Two-family Residence District

Proposed Use: A lot split of a property with an existing a place of assembly and an existing single-family dwelling

Proposed Variances:

- A variance to reduce the lot size from 10,000 sq. ft. to 7,036 sq. ft. to allow for a place of assembly,
- A variance to reduce the south interior side yard setback from 7 ft. to 6 ft. to allow for a place of assembly,
- A variance to increase maximum building coverage from 50 percent to 67 percent of the lot for a place of assembly, and
- A variance to increase the maximum impervious surface from 65 percent to 77 percent of the lot

to allow for a lot split of property with an existing a place of assembly and an existing single-family dwelling at 1115-30th Avenue North in the R2B Two-family Residence District.

Zoning code section authorizing the requested variance: 525.520 (2) (1) (15) (15)

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Background: The subject property consists of two platted lots under one property (tax) identification number (PID). The applicant wishes to separate the two lots and obtain individual PIDs for the two lots, but is required to obtain the subject variances to allow for the reestablishment of the platted lots. The property is a double lot located at the southeast intersection of 30th Avenue North and Emerson Avenue North. There are two land uses on this property, a church and a single-family dwelling with detached garage.

The property has had a number of changes since the original construction of the church. The subject dwelling was originally built as a place of assembly and converted to a home. City of Minneapolis records indicate a church was built in 1912 (B101893) on this property and converted to a parsonage in 1927 (B204726). A building permit for a church was obtained in 1925 (B192056) and a building permit that identified the cost of improvements to be $14,000 was obtained in 1954 (B339406). This building permit may have altered the building into the modern façade that it is today.

The existing double lot is currently nonconforming to number of zoning code regulations. The code limits the building coverage and maximum impervious surface requirements. The building coverage of the church, single-family home and detached garage is 57 percent of the existing lot and maximum impervious surface of all hard cover on the existing lot is 77 percent. A parsonage or parish house is allowed accessory uses to a religious institution place of assembly (537.110). However, the applicant has communicated that the dwelling is not being used as the above-mentioned accessory use, but is being used as office space for a community-based organization. The applicant has indicated that the church does not wish to operate the single-family dwelling as an accessory use.

The applicant is proposing to split the lot that measures 12,756 sq. ft. along the originally platted lot line. The proposed church property will measure 55.37 ft. by 127.09 ft. (7,036.98 sq. ft.) and the proposed single-family dwelling property will measure 45 ft. by 127.07 (5,718.15 sq. ft.). There is no proposed construction work to the church or the single-family dwelling as part of this project.

Establishing the new properties creates a number of features for the church property that will not meet zoning code regulations. The church property will be nonconforming to lot size and the interior side yard setback. The lot size for a place of assembly is 10,000 sq. ft. and requires a 7 ft. side yard setback. The applicant is asking for a 29.6 percent reduction in lot size to allow for the lot split. The interior side yard setback for a church in the R2B District is 7 ft., which is greater than the 5 ft. setback required for single- or two-family dwellings.

If the variances are approved, the church property will also be nonconforming to maximum building coverage and maximum impervious surface coverage. The maximum building coverage in the R2B District is 50 percent, however, the church covers 67 percent of the proposed lot. The maximum impervious surface coverage in the R2B District is 65 percent and the church building and hard surface on this lot will cover 77 percent of the proposed lot. If approved, the lot split would not result in nonconforming features for the property with the dwelling.

CPED-Planning is also reviewing the proposed lot spilt for conformance with the Land Subdivision Chapter of the Minneapolis Code of Ordinances (Chapter 598).

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.**

A variance to reduce the lot size from 10,000 sq. ft. to 7,036 sq. ft. to allow for a place of assembly
The zoning code does create a hardship or prevent the ongoing use of the property as a church given the current lot area. To establish the new church property, the minimum lot area requirement for a church is 10,000 sq. ft. in this residential district. The proposed church property can not be used as a place of assembly with the proposed lot area. The church and home were built prior the zoning code requirements for minimum lot area for homes or place of assembly.

A variance to reduce the south interior side yard setback from 7 ft. to 6 ft. to allow for a place of assembly
The zoning code does create a hardship or prevent the ongoing use of the property as a church given the current lot configuration. The building can be used as a place of assembly with the current single-lot configuration. The church and home were built prior the zoning code requirements side yard setbacks for homes or place of assembly. The proposed lot split does not include alterations or new construction.

A variance to increase maximum building coverage from 50 percent to 67 percent of the lot for a place of assembly and a variance to increase the maximum impervious surface from 65 percent to 77 percent of the lot
The zoning code does create a hardship or prevent the ongoing use of the property as a church given the current lot area. The maximum building and lot coverage requirements of the zoning code are not undue hardships for this property. The existing lot is currently nonconforming to these requirements and the proposed lot split does not include increase the building or hard surface coverage. The church and home were built prior the zoning code requirements for building and impervious surface.

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 reduce the lot size from 10,000 sq. ft. to 7,036 sq. ft. to allow for a place of assembly, a variance to reduce the south interior side yard setback from 7 ft. to 6 ft. to allow for a place of assembly, a variance to increase maximum building coverage from 50 percent to 67 percent of the lot for a place of assembly, a variance to increase the maximum impervious surface from 65 percent to 77 percent of the lot

The structures on this lot were built in 1912 and 1925, prior to any of the above zoning code requirements. The church does have a record of building additions in the 1950s, but no recent building expansions for either structure. The applicant did not create circumstances of the construction and location of these structures.

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 reduce the lot size from 10,000 sq. ft. to 7,036 sq. ft. to allow for a place of assembly and a variance to reduce the south interior side yard setback from 7 ft. to 6 ft. to allow for a place of assembly

Granting the lot area and side yard setback variances are keeping with the intent of the ordinance and will not alter the character of the neighborhood because the variances would not alter the existing conditions of the property. The proposed lot split would not change the existing spatial relationship between the church and the house. The propose variance does include additions to the existing structures. A place of assembly is a permitted use in the R2B District. The site does not have off-street parking available on site and granting the variances would not add to congestion because the proposed variances do not add additional capacity for the church.

A variance to increase maximum building coverage from 50 percent to 67 percent of the lot for a place of assembly and a variance to increase the maximum impervious surface from 65 percent to 77 percent of the lot

Granting the maximum building and lot coverage variances are keeping with the intent of the ordinance and will not alter the character of the neighborhood. The variances would not alter the existing conditions of the property. The proposed lot split does not alter the existing structures or add bulk of the existing structures. The lot split would neither increase nor decrease the amount of water runoff that is generated from the building and impervious surface on the site. Place of assembly is a permitted use in the R2B District and the site does not have off-street parking available on site.

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 reduce the lot size from 10,000 sq. ft. to 7,036 sq. ft. to allow for a place of assembly, a variance to reduce the south interior side yard setback from 7 ft. to 6 ft. to allow for a place of assembly, a variance to increase maximum building coverage from 50 percent to 67 percent of the lot for a place of assembly, a variance to increase the maximum impervious surface from 65 percent to 77 percent of the lot

The proposed variances will not add to street congestion or be detrimental to public welfare or safety. The variances would not alter the existing conditions of the property. The proposed lot split does not alter the existing structures or add bulk of the existing structures. Place of assembly is a permitted use in the R2B District and the site does not have off-street parking available on site.

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 following variances:

- A variance to reduce the lot size from 10,000 sq. ft. to 7,036 sq. ft. to allow for a place of assembly,
- A variance to reduce the south interior side yard setback from 7 ft. to 6 ft. to allow for a place of assembly,
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