

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3834

Date: November 8, 2007

Applicant: Gary Fagerstrom, on behalf of United Deliverance Church

Address of Property: 2119 Lyndale Avenue North

Contact Person and Phone: Gary Fagerstrom, 612-547-1332

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

Date Application Deemed Complete: October 9, 2007

Publication Date: November 1, 2007

Hearing Date: November 8, 2007

Appeal Period Expiration: November 19, 2007

End of 60 Day Decision Period: December 7, 2007

Ward: 3 Neighborhood Organization: Hawthorne Area Community Council

Existing Zoning: R2B Two-family District

Proposed Use: Expansion of a place of assembly (church)

Proposed Variances:

- A variance to reduce the front yard setback along Lyndale Avenue North from 20 ft. to 4 ft. to allow for a building addition, front terrace, and 8 ft. wide front steps,
 - A variance to reduce the north side yard setback from 5 ft. to 4 ft. 5 in. to allow for a building addition,
 - A variance to reduce the south side yard setback from 5 ft. to 3 ft. to allow for a building addition, and
 - A variance to increase the impervious surface coverage from 65 percent to 78 percent
- all to allow for an expansion of place of assembly (church) at 2119 Lyndale Avenue North in the R2B Two-family District.

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

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Background: The subject property is an existing place of assembly (church) called the United Deliverance Church at 2119 Lyndale Avenue North. This property is located on an interior lot measuring 4,864 sq. ft., approximately 28 ft. by 156 ft. The property was built as a residential structure, but was converted in 1934 for use as a church (B-236971). The property to the north is a recently built single-family dwelling and the property to the south is a nine-unit apartment.

The church is 24 ft. wide, and currently projects into the two side yard setbacks. The façade of the existing building is behind the district setback of 22 ft. and behind the established front yard created by the apartment building; however, the new single-family home to the north is setback almost 30 ft., greater than the existing building. The building is closest to the south side yard, with the southeast corner of the building less than 1 ft. from the shared property line and the northeast corner approximately 3 ft. from the property line.

The proposed construction includes a new enclosed entrance, a new front terrace, stairs and accessible ramps into the church. The accessible ramps are a permitted obstruction in the front yard, up to 1 ft. to the property line. The size and location of the ramps seem to affect the size of the terrace and stairs however. The slope of accessible ramps required by the 2008 Building Code is 1/20, a very shallow rise. The proposed ramp reflects the distance required to access the church entrance at that slope. In addition to the ramp, the new entrance includes stairs and a terrace. The stairs exceed the 6 ft. width allowed in the front yard.

The new enclosed entrance is a 168 sq. ft. in size and has greater setbacks than the existing building, but still require variances. The new building addition is proposed to replace an existing building entrance which is 7 ft. 6 in. by 9 ft. 6 in. The proposed entrance will be in line with the open porch of the house to the north and behind the front yard setback of the apartment building to the south. The proposed addition does not have first floor window, while the existing façade of the building doe have a front window.

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.**

Variance to reduce the front yard setback:

Strict adherence to the front yard setback prevents the new building addition due to the increased location of the house to the north. The proposed terrace and stairs are greater than the permitted obstructions allowed in the front yard setback. Preventing the church from replacing the existing entrance with the new entrance limits the usable space in a fairly restricted parcel. The entrance ramp is typical of many churches that have large gathering spaces in the front of the building.

Variance to reduce the north and south side yard setbacks:

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Strict adherence to the setbacks prevents the new building addition due to the lot size and the existing building width. The proposed entrance will replace an existing entrance which is located in a similar setback on the north side.

Variance to increase the impervious surface coverage:

Strict adherence to the code prevents the property from being covered by more than 65 percent impervious surface. It is common for church to be located in residential zoning districts and to contain similar green space as residential uses. In this case, increasing the hard surface on the property is not a reasonable use.

- 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.**

Variance to reduce the front yard setback: The circumstances are unique to parcel of land due to the existing lot width and building width. The structure was converted from a residential building into a church in 1934, prior to the current congregation. While the current applicant is trying to replace the entrance and make the site more accessible, the lot width and building width limit the location for the entrance.

Variance to reduce the north and south side yard setback: The circumstances are unique to parcel of land due to the existing lot width and building width. The structure was converted from a residential building into a church in 1934, prior to the current congregation. While the current applicant is trying to replace the entrance and make the site more accessible, the lot width and building width limit the location for the entrance.

Variance to increase the impervious surface coverage: The circumstances are not unique to the parcel of land. Reducing the amount of green space by paving the rear portion of the lot and adding the hard cover in the front of the building, is a circumstance 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.**

Variance to reduce the front yard setback, north side yard, and south side yard setback:

Granting the variances to allow the building addition, terrace, and stairs will be in keeping with the spirit and intent of the ordinance that limits obstructions in the front yard setback. The proposed building addition is comparable in width to the existing addition. The proposed ramps and terrace will improve the accessibility to the church and provide a gathering space along Lyndale Avenue North for congregants. The height of the ramps and terrace is low enough that sightlines are not significantly impacted and the shallow slope of the ramps eliminates some of the railings as well.

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The proposed design of the addition does not include any first floor windows, although there are windows above the entrance doors. While this addition does not have required amount of windows, the current façade does have windows which adds to the natural surveillance of the front yard. Incorporating windows into the new addition will also reinforce natural surveillance.

Most land uses are required to enclose any exterior refuse containers with solid screening at least 2 ft. taller than the containers (535.80). In this case, the site plan does not show refuse containers, but any future outdoor storage of garbage requires the screening.

Variance to increase the impervious surface coverage: increase the impervious maximum is not keeping with the spirit and intent of the ordinance for green space in residential areas and may add to increase water runoff on other surrounding properties. Increase the green space in the parking area in the rear of the property can reduce the need for this variance.

- 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.**

Variance to reduce the front yard setback:

The proposed variance would likely have no impact on congestion of area streets or fire safety nor would it be detrimental to the public welfare or public safety.

Variance to reduce the north and south side yard setback:

The proposed variance would likely have no impact on congestion of area streets. There are safety concerns with buildings in close proximity to the property lines in residential areas. Because there are not windows proposed on the addition, the concern for fire safety is lessened.

Variance to increase the impervious surface coverage:

The proposed variance would likely have no impact on congestion of area streets or fire safety. Public welfare is not served by increase the impervious surface coverage and increase the potential water run off that could affect surrounding properties.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

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The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the impervious surface coverage from 65 percent to 78 percent at 2119 Lyndale Avenue North in the R2B Two-family District.

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 front yard setback along Lyndale Avenue North from 20 ft. to 4 ft. to allow for a building addition, front terrace, and 8 ft. wide front steps,
- **approve** the variance to reduce the north side yard setback from 5 ft. to 4 ft. 5 in. to allow for a building addition, and
- **approve** the variance to reduce the south side yard setback from 5 ft. to 3 ft. to allow for a building addition,

all to allow for an expansion of place of assembly (church) at 2119 Lyndale Avenue North in the R2B Two-family District, subject to the following conditions:

1. The front addition shall incorporate windows on the façade that are the same size of the window on the current façade,
2. Exterior refuse containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses,
3. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon, and
4. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.