

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

Variance Request
BZZ-3631

Date: July 12, 2004

Applicant: First Congregational Church

Address of Property: 500 8th Avenue SE

Contact Person and Phone: Robert Mack, (612) 341-4051

Planning Staff and Phone: Erik Carlson, (612) 673-5348

Date Application Deemed Complete: June 12, 2007

Hearing Date: July 12, 2007

Appeal Period Expiration: July 22, 2007

End of 60 Day Decision Period: September 10, 2007

Ward: 3 Neighborhood Organization: Marcy-Holmes

Existing Zoning: R2B/ Two Family District

Proposed Use: Covered entry and wheelchair ramp

Proposed Variance: To decrease the front yard setback from 20 feet to 0 feet to allow for a vestibule and wheelchair ramp facing 8th Avenue SE

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

Background: The reverse corner lot is 132 feet wide and 165 feet deep (21,780 SF). It contains the First Congregational Church which has local and national historic designations.

The west facade along 8th Avenue SE, where exterior modifications are proposed, is setback 19.75 feet from the property line and 28 feet from the sidewalk. A very gentle grass slope rises from the sidewalk to the base of the building and contains two trees and small shrubs that line the base of the west wall.

The west wall has two entrances. Both are connected to the sidewalk by concrete paths. An unpaved alley is located on the north side of the Church. The entrance on the west

wall closest to the alley (termed Entrance 1 for the purposes of this report) leads to internal stairs and into a large room which is separated by partitions from the main sanctuary. A second entrance (termed Entrance 2 for the purposes of this report) is located 38.5 feet south of the Entrance 1. Entrance 2 is located below a secondary spire, has double doors and is used as the main entry and egress point for the congregation, community and visitors. Two sets of concrete stairs lead up to the doorway and a third set of stairs is located inside.

The applicant proposes to construct a covered entry structure at Entrance 2 and wheelchair ramp which connects to Entrance 1 and 2. It would extend 13 feet 10 from the wall of the Church ending with a parapet wall. The entry would be 10 feet 10 inches wide and 15.25 feet tall measured from the base of the Church to the top of the roof. An interior vertical wheelchair lift would be installed just inside the doorway.

The covered entry would be accessible directly from the sidewalk and also from a proposed concrete wheelchair ramp, both through stone archways. The wheelchair ramp would run parallel to the alley for 18 feet 11 inches then turn right and extend 44 feet up to the entry (total length of ramp is 62 feet 11 inches). It is intended that automobiles would pull into the alley and drop off/pick up people at the ramp. The ramp does not connect to Church's west wall but is set 4.25 feet away.

Earthwork would be completed in order to slope soil from the sidewalk up to the top of the concrete ramp. Shrubs along the west wall would be removed and replanted on the west side of the ramp. The ramp would then be partially obscured by earthwork and landscaping. The tree would be removed that is now located between the entrances. A salvaged church sign would be relocated to Entrance 2 and placed in the grass.

This proposed project was approved by the Heritage Preservation Commission June 5, 2007

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.**

An improved entry and wheelchair ramp is a reasonable use considering the functions of the church in the community and neighborhood needs. Strict adherence to the zoning ordinance would prevent the proposed project and create a hardship for users of the church as accessibility would not be improved as desired by the church.

- 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 circumstance that is unique to this parcel is the church located in a largely residential district which is zoned residential. The design of the neighborhood is a product of residential site and building dimensions. Church needs may not fit within a residential design or regulatory environment without variances.

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.

The intent of the setback provisions of the ordinance is to encourage the uniformity of site design in neighborhoods. Setbacks also help maintain green space in the front yards, views out into the street and access to light.

To determine if the proposed structure supports uniformity a line stretched across the front of the church from the front corner of the home to the north was established and measures approximately 9 feet from the existing church wall. (A line so made is often used to establish front yard setbacks.) The proposed covered entry structure would extend approximately 5 feet beyond the proxy setback as would the wheelchair ramp from the sidewalk (Ramp C as denoted on submitted drawings). The proposed project does not meet this intent of the ordinance.

Green space would not be maintained because a tree would be removed and some of the grass area in front of the church would become hardscape. The intent of the ordinance in this case is also not met. However, due to the design and location of the ramp and entry front yard views of neighboring properties and access to light would be maintained which is in keeping with the intent of the ordinance.

The Church is a part of the essential character of the locality as a central gathering point for community functions. In so far as the proposed project would enhance the functionality of the church, the proposed project would not negatively alter the essential character of community.

Nothing intrinsic to the use or design of the proposed project was identified that would be injurious to the use or enjoyment of other property in the vicinity.

Considering the three prongs to this finding, this project satisfies two of them, therefore on balance, the proposed project meets the criteria embodied in this finding.

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.**

Because the project includes using the alley as a drop off point, congestion of public street may decrease as cars dropping of people are moved off of the street. Fire danger would not increase. Public welfare would benefit as an additional handicap accessible entrance is added. The proposed project would not be detrimental to public safety.

Recommendation of the Department of Community Planning and Economic Development

The Department of Community Planning and Economic Development recommends the Board of Adjustment **adopt** the findings above and **approve** the variance application to decrease the established front yard setback to 25 feet measured from the front property line to allow for the construction of a new home with the following condition:

1. CPED-Planning staff review and approve all final plans and elevations.

Appendix A: Aerial Photographs and Map

Appendix B: Application Material

