

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit and Variances  
BZZ-5528

**Date:** May 7, 2012

**Applicant:** Hennepin County Property Services Department—Design & Construction Division

**Address of Property:** 4026 28th Avenue South

**Project Name:** Roosevelt Branch Library

**Contact Person and Phone:** Jerry Hagen, Hagen Christensen and McIlwain Architects (612) 904-1332

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** April 13, 2012

**End of 60-Day Decision Period:** June 12, 2012

**Ward:** 12      **Neighborhood Organization:** Standish-Ericsson Neighborhood Association

**Existing Zoning:** R1A Single Family Residence District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 33

**Legal Description:** Not applicable for this application

**Proposed Use:** Library

**Concurrent Review:**

- Conditional use permit to allow a 600 square foot addition to a library located in the R1A district;
- Variance to reduce the established front yard requirement of 29 feet to allow a landing exceeding 36 square feet, stairs exceeding 6 feet in width, patios exceeding 50 square feet and extending more than 4 feet into the yard, benches, and bicycle parking;
- Variance to reduce the north side yard requirement from 5 feet to 3 feet to allow a refuse storage area;
- Variance to reduce the rear yard requirement to allow a parking area (drive aisle) and to vary the landscaping and screening requirements;
- Variance to reduce the minimum drive aisle width from 22 feet to 14 feet;
- Variance to increase the maximum height of a fence located in a required front yard from 4 feet to 5.2 feet; and

- Variance to increase the maximum height of a fence in a required side yard from 6 feet to 8 feet to allow a refuse storage enclosure has been **withdrawn**.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits and Chapter 525, Article IX Variances, specifically section 525.520 (1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations,” (5) “To permit an increase in the maximum height of a fence,” (14) “To reduce the minimum required width of parking aisles...as regulated in Chapter 541, Off-Street Parking and Loading...,” and (25) “To vary the screening and landscaping requirements of this zoning ordinance.”

**Background:** The Roosevelt Library is located at the property of 4026 28<sup>th</sup> Avenue South. A 600 square foot multi-purpose room addition is proposed at the back of the building. Rehabilitation of the building and other site improvements are also proposed. The library is a local historic landmark. On March 20, 2012, the Heritage Preservation Commission approved a certificate of appropriateness for the building addition, building modifications and restoration, and site alterations.

For this project, the following applications are required:

- The building is located in a R1A Single Family District where a library is a conditional use. Increasing the building bulk requires a conditional use permit. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law.
- A front yard is required adjacent to 28<sup>th</sup> Avenue. The minimum front yard requirement is 20 feet unless the setback of an adjacent residential structure is greater. The adjacent residential structure to the south is set back 29 feet from the front lot line as measured from the enclosed front porch. Therefore, a 29 foot front yard is required. Stairs that do not exceed 6 feet in width, landings not exceeding 36 square feet, and patios not exceeding 50 square feet and extending not more than 4 feet into the yard are permitted obstructions in front yards. The proposed stairs, landing and patios would exceed these size limitations. Benches and bicycle parking are also proposed in the front yard. They are not permitted obstructions in required front yards. A variance is required to reduce the front yard requirement to allow the landing, stairs, patios, benches and bicycle parking. Please note that the applicant has reduced the proposed size of the patio in the southeast corner of the site to address concerns about adverse effects on the residence to the south. The site plan was revised and shows the current proposal. The other plans are showing a larger patio that is no longer proposed.
- An interior side yard is required along the north lot line. A five foot setback is required for a refuse storage area. The proposed refuse storage area would be located 3 feet from the side lot line; therefore a variance is required.
- The applicant is proposing to remove the existing parking area located behind the building. A new parking area will be paved that would extend up to the alley. Because the parking area is being rebuilt, it is subject to the yard, landscaping and screening requirements. The minimum rear yard requirement for a non-residential parking area is 5 feet. A landscaped yard 7 feet in width with screening at least 95 percent opaque and 6 feet in height is also required. The parking area would extend up to the alley and no landscaping or screening would be provided. A variance is required to reduce the rear yard, landscaped yard and screening requirements.
- For required parking, a 22-foot wide drive aisle is required on-site for two-way traffic. A 14 foot wide drive aisle would be provided on-site. A variance is required to reduce the drive aisle width.

- The maximum allowed height of a fence located in a required front yard is 4 feet if constructed of open, decorative, ornamental fencing materials that are less than 60 percent opaque. The proposed fence material would be open, decorative, ornamental and less than 60 percent opaque, but the brick piers would exceed the maximum 4 foot height at 5 feet 2 inches tall. Therefore a variance is required.
- The maximum allowed height of a solid fence located in a required interior side yard is 6 feet. The site plan shows that the proposed refuse container enclosure located in the north interior side yard would be 8 feet tall. A variance would be required to increase the maximum fence height to 8 feet. After the public hearing notices were sent out, the applicant indicated that they will reduce the screen height to 6 feet to provide the required screening and have withdrawn the variance. Please note that the plans have not been updated yet to reflect this.

As of the writing of this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

### **CONDITIONAL USE PERMIT**

#### **Findings Required by the Minneapolis Zoning Code:**

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Expanding the existing library would not prove detrimental to public health, safety, comfort or general welfare provided the use complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

A place of assembly is located to the north of the site, a school is located to the east of the site, and low-density residential uses are located to the south and west of the site. The library has existed on this property since 1927. The proposed expansion should benefit the surrounding properties.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Adequate utilities, access roads, and drainage facilities exist.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

Adequate measures would be provided to minimize traffic congestion in the public streets. The library is a community library. It is likely that many people walk to the library. There is also a restricted 15 minute parking zone in front of the building on 28<sup>th</sup> Avenue. The parking requirement for a library is one space per 500 square feet of gross floor area (GFA) in excess of 4,000 square feet, or four spaces, whichever is greater. The GFA would be 4,932 square feet. Therefore a minimum of 4 parking spaces, including one accessible space, are required. The parking lot behind

the building will accommodate 5 spaces including an accessible space. A minimum of one bicycle parking space per 5,000 square feet of GFA is required for a library. Not less than 50 percent of the required bicycle parking must meet the standards for short-term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frames or components. Eight short-term bicycle spaces are proposed in front of the building near the main entrance.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The proposed use would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. The future land use of the site is designated as urban neighborhood<sup>1</sup> by the plan. According to the principles and policies outlined in the plan, the following apply to this proposal:

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Public Services and Facilities Policy 5.3: Support a strong library system with excellent services, programs, and collections to meet a variety of informational and educational needs.

Heritage Preservation Policy 8.1: Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture.

Urban Design Policy 10.13: Work with institutional and public partners to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area.

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<sup>1</sup> Urban Neighborhood (UN)— Predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.

10.13.3 Encourage institutional uses and public buildings and facilities to incorporate architectural and site design that is reflective of their civic importance and that identifies their role as focal points for the community.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

**Maximum Floor Area:** The maximum FAR allowed in the R1A District for a library is 0.5. The lot area is 15,129 square feet. The building would have a total of 4,932 square feet, which is an FAR of 0.33.

**Minimum Lot Area:** The minimum lot area requirement in the R1A district for a library is 20,000 square feet with a minimum lot width of 100 feet. The lot size is 126 feet by 120 feet, which is less than 20,000 square feet in area. However, the library exists and the lot size would not be reduced.

**Building Height:** The maximum height allowed in the R1A district for a library is 2.5 stories or 35 feet, whichever is less. The proposed height of the addition is 18 feet and one story.

**Yard Requirements:** A front yard is required adjacent to 28<sup>th</sup> Avenue. The minimum front yard requirement is 20 feet unless the setback of an adjacent residential structure is greater. The adjacent residential structure to the south is set back 29 feet from the front lot line as measured from the enclosed front porch. Therefore, a 29 foot front yard is required. Walkways that do not exceed 8 feet in width, stairs that do not exceed 6 feet in width, landings not exceeding 36 square feet, and patios not exceeding 50 square feet and extending more than 4 feet into the yard are permitted obstructions in front yards. The proposed walkways would not exceed 8 feet in width, but the proposed stairs, landing and patios would exceed these size limitations. Benches and bicycle parking are also proposed in the front yard. They are not permitted obstructions in required front yards. The applicant is requesting a variance to reduce the front yard requirement to allow the landing, stairs, patios, benches and bicycle parking.

Interior side yards are required along the north and south lot lines. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. The building and addition is one story in height. The building would be located more than 5 feet from both the north and south interior side lot lines. A five foot setback is also required for the parking and refuse storage areas. The parking area would be located 13 feet from the side lot line. The proposed refuse storage area would be located 3 feet from the side lot line; therefore a variance is required.

A rear yard is required along the west lot line adjacent to the alley. The minimum rear yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. The building and addition is one story in height. Parking areas for nonresidential uses are also subject to the 5 foot rear yard requirement. The applicant is proposing to remove the existing parking area located behind the building. A new parking area will be paved that would extend up to the alley. Because the parking area is being rebuilt, it is subject to the yard, landscaping and screening requirements. The minimum rear yard requirement for a nonresidential parking area is 5 feet. The applicant is requesting a variance to reduce the rear yard requirement.

**Landscaped yard, screening and curbing:** A landscaped yard 7 feet in width with screening at least 95 percent opaque and 6 feet in height is required where parking is adjacent to or across the alley from residential uses or residential districts. Residential uses are located on the other side of the alley. The parking area would extend up to the alley and no landscaping or screening would be provided. The applicant is requesting a variance to reduce the landscaped yard and screening requirements. Wheel stops or discontinuous curbing that allow the on-site filtration of stormwater are required in the parking lot. No curbing is proposed. The Public Works Department has requested that the applicant look at ways to drain the parking lot runoff to the on-site raingarden rather than the alley.

**Drive Aisle:** For required parking, a 22-foot wide drive aisle is required on-site for two-way traffic. A 14-foot wide drive aisle would be provided on-site. The applicant is requesting a variance to reduce the drive aisle width.

**Lot Coverage:** The maximum lot coverage allowed in the R1A district is 50 percent. For this site, 7,564.5 square feet of coverage is allowed. The proposed footprint is approximately 4,932 square feet, which covers 33 percent of the site.

**Impervious Surface Coverage:** The maximum impervious surface coverage allowed in the R1A district is 65 percent. For this site, 9,833.8 square feet of coverage is allowed. The proposed amount of impervious surface is approximately 9,329 square feet, which covers 61.7 percent of the site.

**Specific Development Standards:** Not applicable.

**Signs:** For libraries located in the R1A district, one wall identification sign not exceeding 32 square feet with a maximum height of 14 feet or to the top of the wall, whichever is less, is allowed. In addition, one monument sign not exceeding 32 square feet in area and 8 feet in height is allowed. The monument sign can be located in a required front yard, but must be located at least 10 feet from an adjacent residential property. Either the wall sign or the monument sign, but not both, may be illuminated (internally or externally only). Any new signage will require Zoning Office review, approval, and permits. A 24 square foot monument sign, 6 feet 8 inches in height, is proposed. It would be located in the front yard more than 10 feet from the adjacent residential property and it would be internally illuminated.

**Windows:** Section 535.95 of the zoning code requires that nonresidential buildings maintain compliance with the nonresidential windows requirements of Chapter 530, Site Plan Review. Thirty percent of the walls on the first floor, measured between 2 and 10 feet above the adjacent grade, facing an on-site parking area are required to be windows. The north wall of the addition would face the parking area. Thirty percent of this wall is 45.6 square feet. The proposed amount of windows is 49 square feet or 32.2 percent of the wall.

**Refuse Screening:** Refuse and recycling storage containers are required to be enclosed on all four sides by screening compatible with the principal structure not less than two 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. The proposed refuse storage enclosure would comply with these requirements.

**Screening of Mechanical Equipment:** All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

**535.70. Screening of mechanical equipment.** (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
  - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
  - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
  - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Mechanical equipment would be located on the roof. The applicant has indicated that it will be screened by the parapet walls.

**Lighting:** Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

**535.590. Lighting.** (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light

source from an observer at the closest property line of any permitted or conditional residential use.

- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

**Fences:** The maximum allowed height of a fence located in a required front yard is 4 feet if constructed of open, decorative, ornamental fencing materials that are less than 60 percent opaque. The proposed fence material would be open, decorative, ornamental and less than 60 percent opaque, but the brick piers would exceed the maximum 4 foot height at 5 feet 2 inches tall. The applicant is requesting a variance to increase the maximum allowed fence height. The maximum allowed height of a solid fence located in a required interior side yard is 6 feet. The proposed refuse container enclosure located in the north interior side yard would be 6 feet tall.

With the approval of the conditional use permit and variances and implementation of the site improvements, the use would comply with the applicable regulations of the R1A district.

**VARIANCE:** To reduce the established front yard requirement of 29 feet to allow a landing exceeding 36 square feet, stairs exceeding 6 feet in width, patios exceeding 50 square feet and extending more than 4 feet into the yard, benches, and bicycle parking.

**Findings as required by the Minneapolis Zoning Code:**

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The library was constructed in 1927 and is in need of updates to bring it into compliance with current codes. The setback of the residence to the south of the site determines the front yard requirement for this property. A place of assembly is located to the north of the site. The proposed landing would be 10 feet deep and 28 feet wide. The landing will connect to a new accessible route from the public sidewalk and also provides a place to access a new book drop. The stairs, including the buttresses, would be 8 feet wide in line with the 8 foot wide walkway leading to them. The landing and stairs are designed to reflect the symmetry of the locally designated historic building. The bicycle parking is located on and accessed from a patio 162 square feet in area. Bicycle parking would be provided in front of the building to provide additional, convenient transportation options to members of the community. A patio, approximately 97 square feet in area, with a bench is proposed in the southeast corner of the site. Two other benches would be located in the northeast corner of the site. The benches would provide outdoor reading spaces that have been requested by the community. These circumstances are unique to the property and have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. Other comprehensive plan policies support historic preservation objectives and sustainable design practices. The applicant is proposing to rehabilitate the Roosevelt Library building. Making the building more accessible and providing bicycle parking will benefit the community. The proposed outdoor reading areas should have little effect on surrounding properties. A row of shrubs would be planted along the south lot line as a buffer to the adjacent residence. The request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

A single-family residence is located to the south of the site. A place of assembly is located to the north of the site. The site has 120 feet of street frontage. The landing and bicycle parking would be adjacent to the front entrance at the center of the site where it would have little effect on the residence to the south. The 97 square foot patio at the southeast corner of the site would be accessed off of the accessible route to the front entrance and would be 15 feet from the property to the south. A row of shrubs would also be planted along the south lot line as a buffer to the adjacent residence. The granting of the variance should have little effect on surrounding property.

**VARIANCE:** To reduce the north side yard requirement from 5 feet to 3 feet to allow a refuse storage area.

**Findings as required by the Minneapolis Zoning Code:**

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The placement and interior layout of the existing building affects where the addition and parking can be located on the site. This in turn affects where the refuse storage area can be located. The refuse storage area would be next to a public alley. A place of assembly is located on the north side of the alley. These circumstances are unique to the property and have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. Other comprehensive plan policies support historic preservation objectives and sustainable design practices. The applicant is proposing to rehabilitate and expand the Roosevelt Library building. The refuse storage area would not be located near any residential properties. It would be located next to a public alley. A place of assembly is located on the north side of the alley. The request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The refuse storage area would be located next to a 22 foot wide public alley, 8 feet of which is landscaped abutting the subject site. On the north side of the alley is a place of assembly. It would be located 40 feet from the nearest residential property. The granting of the variance should have little effect on surrounding property.

**VARIANCE:** To reduce the rear yard requirement to allow a parking area (drive aisle) and to vary the landscaping and screening requirements.

**Findings as required by the Minneapolis Zoning Code:**

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

A new parking area with five spaces is proposed behind the building. There is currently a nine space parking lot at the rear of the site. As with the proposed parking lot, the parking spaces are perpendicular to the alley and the drive aisle abuts the alley. No screening or landscaping is located between the parking area and the residences to the west. Because the parking area is being rebuilt, it is subject to the yard, landscaping and screening requirements. The minimum rear yard requirement for a nonresidential parking area is 5 feet. A landscaped yard 7 feet in width with screening at least 95 percent opaque and 6 feet in height is also required. Detached garages are located on the other side of the alley. There is room to orient the parking spaces parallel to the alley and to provide the required landscaping and screening between the parking and the alley; however it would require removal of a mature canopy tree at the northwest corner of the site. These circumstances are unique to the property and have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to

provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. The applicant is essentially proposing to reduce the size of the existing parking area. A smaller parking area should result in less traffic in the alley. Detached garages are located on the other side of the alley. The granting of the variance should have little effect on surrounding property.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Detached garages for residential uses are located across the alley. A nine space parking lot is currently located behind the building with parking spaces that are perpendicular to the alley and a drive aisle that abuts the alley. The number of parking spaces will be reduced from nine to five. A smaller parking area should result in less traffic in the alley. The granting of the variance should have little effect on surrounding property.

**VARIANCE:** To reduce the minimum drive aisle width from 22 feet to 14 feet.

**Findings as required by the Minneapolis Zoning Code:**

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

A new parking area with five spaces is proposed behind the building. There is currently a nine space parking lot at the rear of the site. As with the proposed parking lot, the parking spaces are perpendicular to the alley and the drive aisle abuts the alley. The existing drive aisle is 19 feet wide. The proposed drive aisle would be reduced to 14 feet to allow a new accessible walkway between the parking area and the building. There is room to orient the parking spaces parallel to the alley and to provide the required drive aisle on-site; however it would require removal of a mature canopy tree at the northwest corner of the site. These circumstances are unique to the property and have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

A 22-foot drive aisle is required for two-way traffic. The minimum drive aisle width requirement is established to ensure adequate room to maneuver without affecting adjacent land uses. The proposed 14 foot wide drive aisle would abut a 14 foot wide public alley. There is currently a nine space parking lot at the rear of the site. As with the proposed parking lot, the parking spaces are perpendicular to the alley and the drive aisle abuts the alley. A smaller parking area should result in less traffic in the alley. The request is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Detached garages for residential uses are located across the alley. A nine space parking lot is currently located behind the building with parking spaces that are perpendicular to the alley and a drive aisle that abuts the alley. The number of parking spaces will be reduced from nine to five. A smaller parking area should result in less traffic in the alley. The granting of the variance should have little effect on surrounding property.

**VARIANCE:** To increase the maximum height of a fence located in a required front yard from 4 feet to 5.2 feet.

**Findings as required by the Minneapolis Zoning Code:**

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Along the north, east and south sides of the site, an open aluminum ornamental fence with masonry bookend piers is proposed. The maximum allowed height of a fence located in a required front yard is 4 feet if constructed of open, decorative, ornamental fencing materials that are less than 60 percent opaque. Most of the fence would comply with the height requirements, except the post tops and the piers. Four piers are proposed in the required front yard. Two are at the corners of the site and two are on each side of the walkway. The proposed fence will replace an existing wrought iron fence adjacent to the street and chain link fencing along the north and south lot lines. The existing fencing is beyond repair and not original to the site. The intent of the proposed fence design is to keep the architectural character of the existing wrought iron fence by providing a similar fence. The proposed fence is in keeping with the architectural style of the building. These circumstances are unique to the property and have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Fence regulations are established to promote the public health, safety and welfare, encourage an aesthetic environment and allow for privacy, while maintaining access to light and air. An open aluminum ornamental fence with masonry bookend piers is proposed. Most of the fence would comply with the height requirements, except the post tops and the piers. It would not have any effect on surrounding properties access to light and air. The request is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

A single-family residence is located to the south of the site. A place of assembly is located to the north of the site. Most of the fence would comply with the height requirements, except the post tops and the piers. The proposed fence is in keeping with the architectural style of the building. It would not have any effect on surrounding properties access to light and air. It would also not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a 600 square foot addition to a library located in the R1A district at the property of 4026 28<sup>th</sup> Avenue South, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site and landscape plans.
3. Site improvements required by the zoning code or by the City Planning Commission shall be completed by May 7, 2013, or the permit may be revoked for non-compliance.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the established front yard requirement of 29 feet to allow a landing exceeding 36 square feet, stairs exceeding 6 feet in width, patios exceeding 50 square feet and extending more than 4 feet into the yard, benches, and bicycle parking for the property located at 4026 28<sup>th</sup> Avenue South.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the north side yard requirement from 5 feet to 3 feet to allow a refuse storage area for the property located at 4026 28<sup>th</sup> Avenue South.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the rear yard requirement to allow a parking area (drive aisle) and to vary the landscaping and screening requirements for the property located at 4026 28<sup>th</sup> Avenue South.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum drive aisle width from 22 feet to 14 feet for the property located at 4026 28<sup>th</sup> Avenue South.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum height of a fence located in a required front yard from 4 feet to 5.2 feet for the property located at 4026 28<sup>th</sup> Avenue South.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:**

The variance to increase the maximum height of a fence in a required side yard from 6 feet to 8 feet to allow a refuse storage enclosure has been **withdrawn**.

**Attachments:**

1. Applicant’s statement of use and findings
2. Correspondence
3. Zoning map
4. Plans
5. Photos