

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ-5738

Date: September 27, 2012

Applicant: Accessible Homes

Addresses of Property: 2548 Pleasant Avenue

Contact Person and Phone: Andrew Rasmussen, (651) 214-1823

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: August 28, 2012

End of 60-Day Decision Period: October 27, 2012

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: R2B Two-Family District

Zoning Plate Number: 18

Legal Description: Not applicable for this application

Proposed Use: New accessible lift and bicycle racks for an existing place of assembly and convent, monastery or religious retreat center

Concurrent review:

- Variance to reduce the required front yard setback along Pleasant Avenue from 20 feet to approximately 13.5 feet to allow for the construction of an accessible lift
- Variance to reduce the required corner side yard setback along 26th Street West from 10 feet to approximately 7.5 feet to allow for the construction of an accessible lift
- Variance to reduce the required corner side yard setback along 26th Street West from 10 feet to 4 feet to allow for bicycle racks

Applicable zoning code provisions: Chapter 525, Article IX Variances, Section 525.520(1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations...”

Background: The subject property is 47 feet by 129.5 feet (6,082 square feet) and is an existing place of assembly and convent, monastery or religious retreat center. The existing uses were established in 2010 after the city planning commission approved an application to change a nonconforming use from a nursing home to the place of assembly and convent, monastery or religious retreat center. The existing place of assembly is nonconforming because the lot area is less than 10,000 square feet in the R2B

District. A convent, monastery or religious retreat center is a nonconforming use in the R2B District. In order to meet the MN State Accessibility Code and the Americans with Disabilities Act, the existing building must provide an accessible route. The building on the subject property was constructed in 1899 as a single-family dwelling. A building permit was issued in 1955 for a rear addition to allow for a “rest home.” There is not a location on the subject property that would allow for the proposed accessible lift outside of the required setbacks. The applicant has requested a variance to reduce the required front yard setback along Pleasant Avenue from 20 feet to approximately 13.5 feet, to allow for a new accessible lift in the required front yard, just north of the existing walkway. Staff has suggested an alternative location at the south end of the existing front porch. This proposal would require variances to reduce the front yard setback along Pleasant Avenue from 20 feet to approximately 19 feet and to reduce the corner side yard setback along 26th Street West from 10 feet to approximately 7.5 feet to allow for the accessible lift at the south end of the open front porch. Further, a condition of approval from the City Planning Commission’s actions in 2010 required the installation of at least six bicycle spaces that meet the requirements outlined in section 541.180 of the zoning code. The applicant is proposing to locate the required bicycle parking in the corner side yard setback. Therefore, a variance to reduce the corner side yard setback along 26th Street West is required.

Staff has not received any correspondence from Whittier Alliance. Staff will forward comments, if any are received, to the Board of Adjustment at the public hearing.

Findings Required by the Minneapolis Zoning Code:

VARIANCES: to reduce the required front yard and corner side yard to allow for an accessible lift and bicycle racks

- 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.**

All variances: Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The existing single-family structure was constructed in 1899 and a large rear addition was constructed in 1955. The proposed lift is approximately 5 feet deep and 4.5 feet wide and any location on the property, would project into the required yard(s). Further, bicycle racks are required as a condition of approval with the previous land use application. Similarly, the bicycle racks cannot be located outside of the required yards and are not a permitted obstruction.

- 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.**

All variances: The applicant is seeking variances to reduce the required front yard and corner side yard setbacks to allow for an accessible lift and bicycle racks. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The proposed location of the accessible lift

and the off-street bicycle parking is reasonable given the placement of the existing structure on the lot. The addition that was added in 1955 is built out to West 26th Street. The proposed accessible lift and off-street bicycle parking will not be located any closer to the corner side property line than the existing building. The proposed accessible lift will be located in such a way as to provide reasonable access to the use and the proposed off-street bicycle parking will be located near the two entrances for ease of use.

- 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.**

Front yard setback variance along Pleasant Avenue: The proposed variance to reduce the front yard setback along Pleasant Avenue will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, if the accessible lift were located on the south end of the porch. Staff has suggested the proposed location for the accessible lift as it will allow for reasonable access to the property without significant modifications to the existing dwelling, open front porch or addition. Locating the accessible lift on the south end of the porch does not place it directly in the front yards of all the other houses on the block. The applicant has stated that locating the accessible lift on the south side of the porch will require the removal of the existing landscaping at the corner. In addition, the applicant has stated that accessing the lift from the public sidewalk from either Pleasant Avenue or 26th Street West will present additional challenges. If the lift is accessed from 26th Street West, the property will need to be regraded due to a 2 foot grade change from the public sidewalk. If the lift is accessed from the walkway on the front of the dwelling along Pleasant Avenue, the grade will have to be leveled and a significant amount of concrete will need to be added to allow for access to the lift.

Staff finds that the proposed variance will not be detrimental to the health, safety or welfare of the general public or those utilizing the property or nearby properties, as it is intended to provide an accessible route consistent with the MN Accessibility Code and the Americans with Disabilities Act and off-street bicycle parking for congregants and residents.

Corner side yard setback variances: The proposed variances will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed location of the accessible lift and bicycle racks will allow for reasonable access to the property without significant modifications to the existing dwelling, open front porch or addition. Further, the proposed variance will not be detrimental to the health, safety or welfare of the general public or those utilizing the property or nearby properties, as it is intended to provide an accessible route consistent with the MN Accessibility Code and the Americans with Disabilities Act and off-street bicycle parking for congregants and residents.

RECOMMENDATIONS:

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 above findings and **deny** the variance to reduce the required front yard setback along Pleasant Avenue South from 20 feet to approximately 13.5 feet, and in lieu thereof, **approve** the variance to reduce the required front yard setback along Pleasant Avenue South from 20 feet to approximately 19 feet to allow for an accessible lift accessory to an existing place of assembly and convent, monastery or religious retreat center located at 2548 Pleasant Avenue South, subject to the following conditions of approval:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by September 27, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The accessible lift shall be located on the south end of the existing open front porch.

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 above findings and **approve** the variance to reduce the required corner side yard setback along 26th Street West from 10 feet to approximately 7.5 feet to allow for an accessible lift accessory to an existing place of assembly and convent, monastery or religious retreat center located at 2548 Pleasant Avenue South, subject to the following conditions of approval:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by September 27, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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 above findings and **approve** the variance to reduce the required corner side yard setback along 26th Street West from 10 feet to 4 feet to allow for bicycle racks

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accessory to an existing place of assembly and convent, monastery or religious retreat center located at 2548 Pleasant Avenue South, subject to the following conditions of approval:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by September 27, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. August 15, 2012, letters to Council Member Lilligren and Whittier Alliance
3. Zoning map
4. Survey/site plan
5. Floor plans
6. Engineered specifications
7. Photos of the site and surrounding area