

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ – 2162

Date: January 24, 2005

Applicant: Spiritual Assembly of Baha'i of Minneapolis

Address of Property: 3644 Chicago Ave. S.

Project Name: Spiritual Assembly of Baha'i

Contact Person and Phone: Lee Meyer, architect, (612) 823-3494

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: December 23, 2004

End of 60-Day Decision Period: February 22, 2005

Ward: 8 Neighborhood Organization: Central Neighborhood Improvement Association;
Powderhorn Park Neighborhood Association

Existing Zoning: C2

Proposed Zoning: The applicant has authorized the City of Minneapolis Public Works Department to petition on their behalf to rezone the property to the OR1 District.

Zoning Plate Number: 26

Legal Description: See application filed by the City of Minneapolis.

Proposed Use: Parking lot accessory to a religious institution place of assembly

Concurrent Review:

Variances:

- Variance to reduce the required front yard setback along Chicago Avenue from 15 feet to five feet for an accessory parking lot.
- Variance to reduce the required south side yard from seven feet to zero feet for an accessory parking lot.
- Variance to reduce the required west (rear) yard from seven feet to zero feet for an accessory parking lot.

(As noted above, the applicant has authorized the City of Minneapolis to petition to rezone their property from the C2 District to the OR1 District as part of the overall rezoning request related to construction of the 37th and Columbus Flood Mitigation Basin.)

Applicable zoning code provisions:

Required setbacks/yards in Office Residence Districts: Table 547-2

Background: The Spiritual Assembly of Baha'i of Minneapolis has coordinated with the City of Minneapolis Public Works Department to exchange land to facilitate construction of a stormwater retention pond on City property and construction of an accessory parking lot on Spiritual Assembly of Baha'i property. Concrete curbing has been poured along the perimeter of the parking lot.

While requests for variances are typically heard by the Board of Adjustment, staff determined that the variances would most appropriately be handled by the City Planning Commission concurrently with the request to rezone the property, which has been filed by the Public Works Department.

VARIANCES -

Findings Required by the Minneapolis Zoning Code for the Proposed Variances:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Front yard along Chicago Avenue: The required setback partly results from the applicant's proposal to downzone the property, which itself results from a land exchange with the City of Minneapolis to facilitate construction of a stormwater retention pond. The existing C2 District does not have a setback requirement. The applicant lost parking area at the west side of the site and now proposes to add parking closer to the public street. The land exchange has essentially caused a hardship in terms of the applicant's ability to replace parking that was lost.

South side yard: The proposed parking layout would preserve a very large tree at the north end of the parking lot. Complying with the required side yard and providing two rows of parking separated by a drive aisle would likely prove perilous for the tree.

Rear yard: The area in question, at the rear of the property, has previously been used for off-street parking (see aerial photograph). The land swap has essentially resulted in reconfiguration of the parking.

- 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.**

Front yard along Chicago Avenue: The land swap to accommodate a public infrastructure project is unique, as is the fact that the concurrent rezoning application is leading to a front yard setback requirement on the property.

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South side yard: The location of a mature tree on the site is unique. Further, the Public Works Department has installed landscaping and decorative fencing at the south end of the parking lot so that the parking lot appears to be landscaped and screening to the standards of the zoning code. Should the public landscaping and screening be removed at some point in the future, the property owner must install screening to comply with the requirements of Chapter 530 of the zoning code.

Rear yard: The land swap and the location of parking on the site prior to the construction of the stormwater basin, as noted above, are unique factors that are not generally applicable to other parcels in the city.

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.

Front yard along Chicago Avenue: The parking lot would not be adjacent to any residential front yards and must be landscaped and screened to the standards of Chapter 530 of the zoning ordinance. Planning staff believes that this proposal will meet the intent of the ordinance.

South side yard: As noted above, the Public Works Department has installed decorative fencing and landscaping at the south side of the parking lot and curbing has been installed to prevent water from draining onto the adjacent property. Further, the adjacent use to the south is a stormwater pond rather than a residential use. These factors combine to meet the intent of the setback requirement.

Rear yard: As is the case with the south side yard, the Public Works Department installed landscaping and screening along the west side of the parking lot. Because of the same factors that ensure that the south side yard variance meets the intent of the ordinance, the rear yard variance request would also be consistent with the intent of the zoning code.

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.

Front yard along Chicago Avenue: Because the variance would allow more off-street parking than would otherwise fit in this area, granting the variance could help relieve street congestion and would not be detrimental to public welfare in any way.

South side yard: Curbing has already been installed to prevent drainage onto adjacent properties. Staff cannot envision that granting the variance would compromise public safety or welfare in any way.

Rear yard: The parking lot would be adjacent to a stormwater retention pond and would not jeopardize public safety or welfare.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for a Front Yard 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 required front yard setback along Chicago Avenue from 15 feet to five feet for an accessory parking lot at 3644 Chicago Avenue, subject to the following condition:

1. The area between the parking lot and the public sidewalk along Chicago Avenue shall be landscaped and screened to the standards of Chapter 530 of the zoning code.

Recommendation of the Community Planning and Economic Development Department – Planning Division for a South Side Yard 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 required south side yard setback from seven feet to zero feet for an accessory parking lot at 3644 Chicago Avenue, subject to the following condition:

1. In the event that the public landscaping and screening improvements adjacent to the parking area are removed, the applicant shall install decorative fencing around the parking lot perimeter.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Rear Yard 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 required rear yard setback from seven feet to zero feet for an accessory parking lot at 3644 Chicago Avenue, subject to the following condition:

1. In the event that the public landscaping and screening improvements adjacent to the parking area are removed, the applicant shall install decorative fencing around the parking lot perimeter.

Attachments:

1. Statements submitted by the applicant
2. Letters from the applicant to the council office and neighborhood group
3. Zoning map
4. Site/landscape plan
5. Grading/erosion control plan
6. Landscape plan between building and parking lot

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7. Before and after site diagrams
8. Building renderings
9. Aerial photo
10. Photos