

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ – 2981

Date: May 22, 2006

Applicant: RWB Development, LLP

Address of Property: 901-909 Hennepin Avenue

Project Name: Chambers Hotel

Contact Person and Phone: Greg Ottum, (612) 492-4441

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

Date Application Deemed Complete: April 27, 2006

End of 60-Day Decision Period: June 26, 2006

Ward: 7 Neighborhood Organization: Downtown West

Existing Zoning: B4S-2 Downtown Service District and DP Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: Hotel

Concurrent Review:

Variance to increase the maximum height of a fence from 6 feet to 12 feet.

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically “(5) To permit an increase in the maximum height of a fence.”

Background: The owners of the Chambers Hotel, currently being constructed at the properties located at 901-909 Hennepin Avenue, are proposing to construct a 12 foot high wall. At its meeting of December 13, 2004, the City Planning Commission approved a site plan review and variances to allow a hotel with a building addition at the aforementioned properties. Two buildings existed at 901 and 909 Hennepin Avenue. Part of the building addition is located at the east side of 907 Hennepin Avenue connecting the two buildings. The result is a U-shaped building with a street-level courtyard opening

out onto Hennepin Avenue.¹ The wall would be located what is now the open end of the “U”. It would be constructed of glass, steel and aluminum. The applicant has indicated that the wall would be semi-translucent with a frosted glass finish. Clear views into and out of the courtyard would not be possible.

The proposed wall is classified as a fence under the zoning code. A fence is defined as a structure providing enclosure or screening, but not protection against the elements, erected to provide privacy or security which defines a private space and enhance the design of individual sites. The maximum allowed height of a fence is 6 feet when it is located within 5 feet of a public street or a public sidewalk. The 12 foot high wall would be 3 feet from the property line which abuts the sidewalk. Therefore, a variance is necessary to increase the maximum height. The terms fence and wall are used interchangeable throughout the report.

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

VARIANCE

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

- 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.**

The applicant is proposing a metal and glass wall between existing building structures. The proposed wall would be parallel to the street, but located 3 feet from the property line. It would be 12 feet in height and approximately 35 feet in length. The maximum allowed height of a fence is 6 feet when it is located within 5 feet of a public sidewalk. Because the code would already allow a 6 foot high opaque fence and the wall would span a gap between two existing buildings, a 12 foot high fence would be reasonable.

- 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 buildings at 901 and 909 Hennepin Avenue are existing and 907 Hennepin Avenue was vacant before the current owner obtained them. The buildings have been connected by a rear addition to make them one. Because the building was once two separate buildings, the height of the first floor is between 15 and 18 feet. A common window height of 12 feet was chosen for the Hennepin elevation. The height of the fence would also be 12 feet. The applicant has indicated that the proposed height of the wall would architecturally tie the two building together in scale

¹ At the time the site plan review was granted approval by the Planning Commission, a covered parking area had been proposed between the two buildings. The applicant is constructing an outdoor courtyard where the parking was to be located. To meet the parking requirement, the applicant will provide valet parking. This was a minor change to the site plan, as per Section 530.100 of the zoning code and has been approved by the zoning administrator.

CPED Planning Division Report
BZZ – 2981

and materials. Although the applicant is setting the height for the windows, the building footprints and ceiling heights are a circumstance that existed and not 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.**

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. The proposed wall clearly delineates a separation of public space, the sidewalk, and private space, the courtyard. The wall would be located between buildings that were recently connected. The height of the first floor windows of these buildings is 12 feet above the adjacent sidewalk grade. The height of the fence would also be 12 feet. Because the fence would be located between existing buildings and would be constructed mostly of glass, it should have little affect adjacent properties access to light or air. Further, it would be constructed of high quality materials that are unique to this application and not typical for fence construction in general. The applicant has indicated that the proposed height would architecturally tie the two building together in scale and materials. Although the fence ordinance would allow a 6 foot high opaque wall, the intent of the site plan review chapter is to allow views into and out of buildings at street level. Abundant windows are provided on the buildings. Staff strongly encourages the applicant to incorporate transparent sections of glass between 4 and 7 feet above the sidewalk grade to allow views into and out of the courtyard as well in order to provide more eyes on the street.

- 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.**

Granting the height variance would likely have no impact on the congestion of area streets. An egress door is proposed in the wall, therefore it should have little affect on fire safety, nor would the proposed wall be detrimental to the public welfare or endanger the public safety.

CPED Planning Division Report
BZZ – 2981

Recommendation of the Community Planning and Economic Development Department – 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 allowed height of a fence from 6 feet to 12 feet for the properties located at 901-909 Hennepin Avenue, subject to the following condition:

- 1) The applicant is strongly encouraged to incorporate transparent sections of glass between 4 and 7 feet above the sidewalk grade to allow views into and out of the courtyard.

Attachments:

1. Statement of use/ Neighborhood group and Council Member notification letter
2. Findings
3. Zoning map
4. Plans
5. Photos