

APPLICATION WORKSHEET

Appellant	Name	Steven Verdoorn
	Mailing Address Including City, State and Zip Code	905 West 36th Street Minneapolis, MN 55408
	Phone Number	763 222 5293
	Fax	
	Email	stevenverdoorn@mac.com

NOTICE OF APPEAL

Choose one:

I, _____ (print name) do hereby file an exception to the Decision of the **Zoning Administrator** as provided for in Chapter 525.170;

I, _____ (print name) do hereby file an exception to the Decision of the **Board of Adjustment** as provided for in Chapter 525.180;

I, Steven Verdoorn (print name) do hereby file an exception to the Decision of the **City Planning Commission** as provided for in Chapter 525.180;

Project Name	Bryant and 36th
Project Address	3612 - 3616 Bryant Avenue South
PLAN Number	6197

Further, I do hereby request that I be given an opportunity to express my case before the Board of Adjustment or the proper committee of the City Council.

The action being appealed and the reasons for appealing the decision are attached and made a part of this notice of appeal.

Appellant's Name: Steven Verdoorn

Appellant's Signature: 

Date: 5/2/18

This appeal is submitted based upon the following: 1) That the granting of CUP, variances, and site plan approval are inconsistent with the required findings as required per code; and 2) that the applicant failed to demonstrate practical difficulties unique to this property; and 3) that the granting of this CUP and variances causes undue harm to the neighboring properties and residents in the nearby area in terms of loss of light, air, privacy, peace and quiet, diminished property values, and public safety.

It is our belief that these variances are being used unfairly to increase this project's rentable units, and therefore developer profit, and to increase density by the city, with disregard for the spirit of the code, the small lot size, the disproportionate increase in residents, and the harm to existing neighbors.

Item 1. The granting of CUP, variances, and site plan approval are inconsistent with the required findings as required per code.

The findings required to grant the CUP to increase height of building from 2.5 to 5 stories were satisfied based upon evidence and testimony in the record. Increasing the height from 2.5 to 5 stories will adversely affect the use and enjoyment of neighboring property and will adversely affect the normal and orderly development of surrounding property for uses permitted in the district. These concerns and harms were addressed in our previous communications on the record with the planning commission. We will submit supplementary information into the record of appeal before the Z and P Committee.

Item 2. The applicant failed to demonstrate practical difficulties unique to this property.

The city of Minneapolis itself qualifies that variances from the zoning code may be granted "where practical difficulties exist because of conditions or circumstances unique to an individual property." This is a well-located property on a standard, rectangular city lot with a not-unusual amount of grade change in one corner of the property. Neither the applicant, nor staff identified any difficulties that would prevent developers from creating a reasonably scaled, profitable residential project here.

One can assume that the city's current zoning outlines specific height and density restrictions for a reason. Granting such extreme variances from this code seems arbitrary and does not appear motivated by the conditions of this individual site and any excessive challenges that following the approved code would create.

Further, the submitted drawings and the CPED summary of the height variance unfairly characterize the proposal as increasing the allowable height from 35' to 50'. The submitted North elevation shows grade change that is untrue to the site conditions. The grade of the northern property line is arguably flat from the NW corner to nearly 2/3 of the way across the north lot line. This means that the elevation from the backyards of the two property owners to the north will sit nearly 60' below the height of the proposed building.

Item 3. The granting of this CUP and variances causes undue harm to the neighboring properties and residents in the nearby area in terms of loss of light, air, privacy, peace and quiet, diminished property values, and public safety.

The height and density changes that are recommended for approval allow for the construction of a bulky, too-tall building which would add too many residents on too small of a site. The effects of this construction would have extreme, long-lasting negative impacts on our adjacent properties and the neighborhood at large.

Emily Bonifaci's smaller home to the south, and the row of houses beyond, would be dwarfed by nearly 20' by a building set back only 11' from the lot line. The home's bedrooms, bathrooms, and backyard would be overlooked by four stories of new units. Access to sun, air and privacy will be diminished and adversely affect adjoining properties. This building is also more than 10' closer to Bryant Avenue than my home, further diminishing my view and light. Finally, the noise, diminished privacy unsightly proximity, and greatly increased traffic has a negative impact on the value of my property and the ability to rent my upstairs unit to tenants. The current tenant has already given notice to leave, due to this project.

The neighbors to North (Steven & CeAnn Verdoorn) will be exceedingly adversely impacted by this in similar ways. The once quiet, private backyards of these properties will be towered over by a near-60' wall to the south, from which will protrude 20 new balconies less than 4' from the property line. It will negate the value of improvements made and owners will be disinclined to make future property improvements. The privacy and peaceful enjoyment the backyards will be permanently and irretrievably diminished. The busy and narrow alley with a near-blind exit onto 36th street will become ever more trafficked and dangerous by the 20 additional cars using it to access the new garage.

The surrounding neighborhood as a whole will be negatively impacted by these 41 new units, jammed into a too-small site with a surrounding infrastructure unprepared to support it. Negative impacts on neighborhood character, parking, pedestrian and cyclist safety, noise, and trash will result.

We believe that the CUP, variances, and site plan approval were granted contrary to the required findings and over the rights and valid concerns of current property owners and community members. These decisions disregard the city's own zoning regulations and rules regarding conditional permitting and variances.

May 7, 2018
905 West 36th Street
Minneapolis, MN 55408

Minneapolis City Council
Zoning and Planning Commission
Attn: Kristina Erazmus
Minneapolis City Council
350 South 5th Street, Room 307
Minneapolis, MN 55415

RE: Plan 6197 – 3612-3616 Bryant Avenue Project

Dear Minneapolis City Council, Zoning and Planning Commission;

On behalf of my husband Steven and me, please accept the following comments in response to the decision of the Minneapolis Planning Commission to approve the CUP and variances related to side setbacks and FAR for the project at 3612-3616 Bryant Avenue South. This decision is especially troubling when you consider the limited critical rigor absent from the findings, often indicating *no impact*, without any further explanation or description of analysis applied.

We believe that the CUP, variances, and site plan approval were granted contrary to the required findings and over the rights and valid concerns of current property owners and community members. These decisions disregard the city's own zoning regulations and rules regarding conditional permitting and variances. Please accept this statement as part of the record

Item 1. Increase the height of the building from 2.5 stories/35 feet to 5 stories/50 feet.

With regard to the findings for the CUP, it is important to note that this is a rectangular lot, like thousands of lots throughout the city. There are no practical difficulties that would prevent the developer from using the property in accordance with current zoning. And while 50' would be the height at street level, most of the north and much of the west sides would be looking at a nearly 60' structure. See photo A.



Photo A

The red line in the picture indicates the grade on the north side. Most of the garage level would be exposed and visible from the north and west sides.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public safety, comfort or general welfare.

Public safety will be threatened in the alley and at the exits of the alley that extends from 36th Street to 37th Street between Bryant and Colfax Avenues. The west side setback is shown as one foot from the property line. There are currently two apartment complexes with cars that use the same area of the alley for off-street parking. It will be very tight exiting the parking garage, especially when snow is present. There is a steep climb to reach street level in both directions. Both exits have fences and parked cars that limit the sightlines of both pedestrians and drivers. There is a bike path located on the south side of 36th Street. At the alley exit on 36th Street, vehicles exiting the alley cannot see pedestrians to the east due to the fence and often cannot see eastbound traffic without entering the sidewalk and/or the bike path due to the slope of the alley and the parked cars on the south side of 36th Street. Congestion is already an issue. Adding 20 more cars to that alley will only exacerbates this issue.

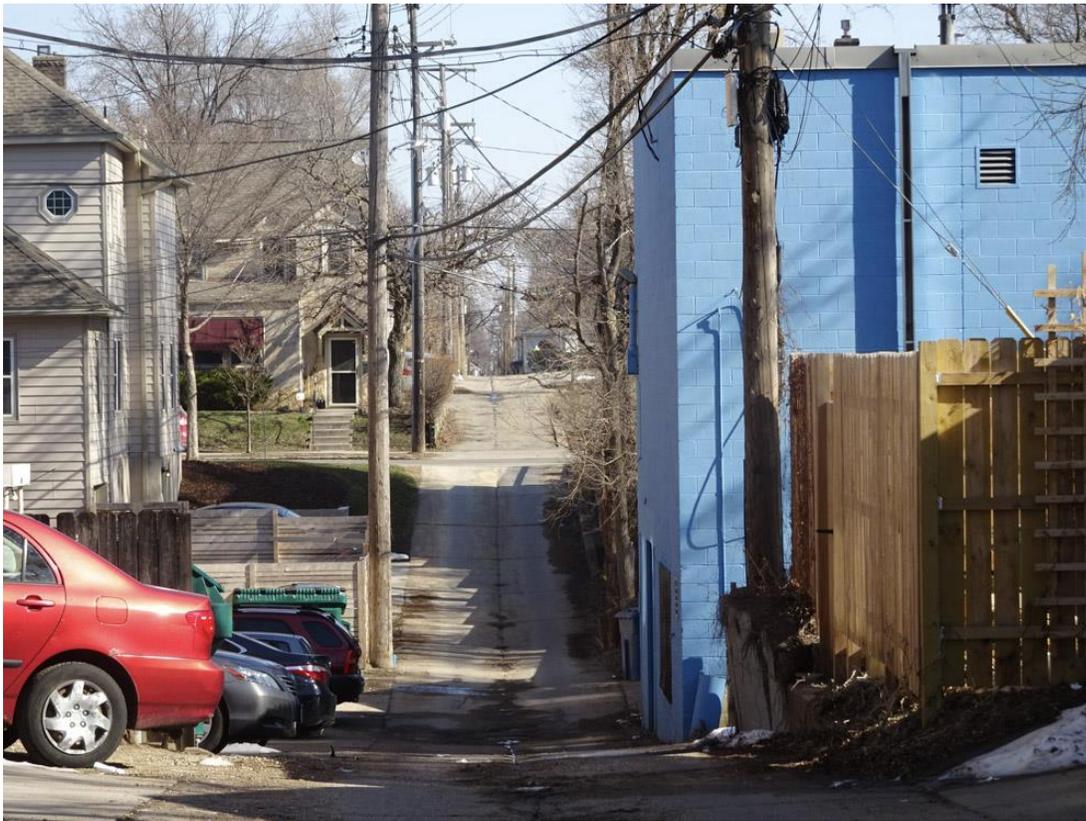


Photo B

Photo B represents the view from the alley. Cars will be exiting at approximately the corner of the blue (existing) building.



Photo C

Photo C represents where cars enter onto 36th Street. The alley approaches 36th Street along a fence that also runs along the sidewalk. Often vehicles must pass the sidewalk and creep into the bike path before they can get a clear view of approaching traffic.

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

My husband and I were renters in the neighborhood before purchasing our home in 2011. The backyard was one of the key reasons we purchased this home. Since then, we have invested thousands of dollars on landscaping, tree care and vegetation, not to mention countless hours of labor creating a private retreat which we enjoy with family and friends. Special attention has been paid to allow as much sunlight as possible, from proper pruning of trees, to removal of dying and scrub trees, to the design of our fence to ensure that our tulips, rhubarb, and raspberry patch receive enough early spring sunlight. As stakeholders in the community we take pride in keeping our property well-kept. For us, gardening is a true joy of home ownership and contributes to our overall health and well-being.

It is our opinion, and that of our realtor, the increased height and numerous balconies overlooking our property will result in decreased property value due to loss of privacy and the diminished use of our backyard. It will negate the value of the improvements we've made and we are disinclined to make future improvements to our property. The privacy and peaceful enjoyment of our backyard will be permanently and irretrievably diminished.

The conditional use will be injurious to the use and enjoyment of our property and other properties in the area. With 16 or more balconies overlooking our backyard, we will lose the quietude of our backyard and the outdoor living space that we have created. The exterior lighting planned for each balcony or deck, is certain to extend onto our property. Due to the high number of balconies/decks located less than 4' from our property line, we are certain to experience light trespassing and increased noise and disruption.

Per our neighbor Emily Bonifaci's comments submitted to the Commission earlier this month, "There are many examples of new residential developments in this area that do not include balconies with every unit. Also, it is very, very rare to find a building with balconies overlooking not just the street or the rear alley, but immediately

facing into a nearby adjacent building or backyard, especially a smaller residential home.” She goes on to add that in her search of new developments she found no examples where this was the case.

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

Again, findings suggest no impact. I want to point out that our yard and that of other adjacent properties to the north are in a valley, water drains in from all directions. In seven years since purchasing our property we have never had water standing or drainage issues of any kind. We want assurance that our investment will not be further diminished due to a disregard for how water flow is handled from a building that engulfs nearly the entire lot.

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

Parking is already extremely challenging. With only 20 off-street parking stalls proposed for a 41 unit building and assuming some of the units will be couples or roommates – (all legitimate occupancies); it is reasonable to assume that most tenants will own a car, creating a need for an additional 20 on-street parking spots, in an area with already inadequate parking. We fully understand this is a transit corridor; our infrastructure does not support a car-free environment. We use the bike paths and trails regularly. We often use public-transit or bike when going to events in downtown. For approximately four years, my office was located in Maplewood. At the time, I checked into using a combination of public transit and biking and was over 2 hours each way. Our aging parents live in southern Minnesota. On weekends, we take our bikes and dogs to state parks around the state. Infrastructure doesn't match the vision of this plan and the reality of our lives.

With regard to measures taken to minimize traffic congestion in the public streets, staff findings suggest no impact. The intersection at 36th Street and Bryant Avenue operates at Level of Service (LOS) F, many periods throughout the day. It difficult to see how these findings indicate that added height, thereby increasing the density, by allowing more units, which will mean more vehicles, more trip generation, an increased need for street parking, added difficulties in providing essential services to the neighborhood, near an intersection that already has a failing level of service at many times of the day, in all directions, will have no impact on traffic congestion.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

We are not opposed to redevelopment of the property to our south. And at the same time, it is difficult to imagine how the design, as presented will *not* negatively impact the neighborhood. The proposed building is out of scale and out of character with the neighborhood. The footprint of the building uses nearly 100% of the lot. The mass and increased height of the plan is certain to reduce light and air in the area, perhaps no more so, than to adjacent properties to the north and west. Build to the standards which the zoning code currently allows, without variance or CUP.

Additional Standards to Increase Maximum Height

1. Access to light and air of surrounding properties
2. Shadowing of residential properties, significant public spaces or existing solar energy systems.
3. The scale and character of surrounding uses.
4. Preservation of views landmark buildings, significant open spaces or water bodies.

The surrounding neighborhood as a whole will be negatively impacted by these 41 new units, jammed into a too-small site with a surrounding infrastructure unprepared to support it. Negative impacts on neighborhood character, parking, pedestrian and cyclist safety, noise, and trash will result.

So proposed, access to light and air to our property will be greatly diminished, especially on the north and west side of the project. As indicated by the shadow study, light reaching south facing windows of our house will be almost zero during winter months. Our comfort and quality of life will be adversely impacted. The architect

confirmed on May 2, 2018, that the shadow study is shown from a plane at street level, thus not reflected accurately in the plan and further reducing the light reaching properties to the north and west of the proposed building.

For a better sense of what would be the view from our backyard, consider **Photo B**.

Photo D



Photo D

The pink represents the existing building (the former VOA building). The foreground is our backyard. The thick red line indicates 35 feet from our back yard.

With regard to the two variances that were recommended for approval, 1.) Increase the maximum permitted Floor Area Ratio (FAR) of the building from 2.04 to 2.38, 2.) Reduce south interior setback from 13 feet to 11 feet, again, we assert there is no practical difficulty that would impede the reasonable use of this property, in accordance with existing zoning ordinances.

We understand that we purchased our home in at a mixed use intersection, however we also understand that there are zoning regulations in place that limit height to 35 feet in order to be more congruent with the neighborhood and surrounding residences. As property owners, we rely on established codes and standards to be applied. We make investments based on those expectations. I am in favor of growth and development at this intersection. We are not opposed to a project that respects our right to continued enjoyment of our backyard and is allowed under current zoning guidelines.

This application asks the city to waive fundamental zoning restrictions, presumably in furtherance of greater density. As a property owner, I am being asked to give up privacy, my sun-filled garden and property value. Please stick to the code and allow a project here that does not require variances and a CUP where the findings cannot be satisfied.

Thank you for your time and consideration.

CeAnn & Steven Verdoorn

CC: Lisa Bender, Hillary Dvorak, Timothy J. Keane