LAND USE APPLICATION SUMMARY

Property Location: 3343 East Bde Maka Ska Parkway
Project Name: Zendo Addition
Prepared By: Alex Kohlhaas, City Planner, (612) 673-3950
Applicant: Minnesota Zen Meditation Center
Project Contact: Wayne Moskowitz
Request: To construct an addition and new entry stairs and landings for an existing place of assembly.

Required Applications:

<table>
<thead>
<tr>
<th>Variance</th>
<th>To develop within 40 feet of the top of a steep slope in the SH Shoreland Overlay District.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variance</td>
<td>To reduce the minimum off-street parking requirement from 13 spaces to 9 spaces, where 8 spaces are nonconforming.</td>
</tr>
</tbody>
</table>

SITE DATA

| Existing Zoning                          | R1A Multiple-Family District  
|                                        | SH Shoreland Overlay District |
| Lot Area                                | 17,310 square feet            |
| Ward(s)                                  | 10                            |
| Neighborhood(s)                         | ECCO                          |
| Future Land Use                         | Urban Neighborhood            |
| Goods and Services Corridor             | n/a                           |
| Built Form                               | Interior 2                    |
BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property has a lot area of 17,310 square feet and is located in the R1A Multiple-Family District and SH Shoreland Overlay District. The principal structure on the property is three stories and was originally constructed as a single-family dwelling in 1904. The subject property is currently owned and operated by the Minnesota Zen Meditation Center as a place of assembly, a use which was established at this location no later than 1975. The main level includes the existing zendo (meditation room) as well as two contiguous interior spaces which typically function to handle overflow from the zendo. Per building code requirements, the current combined occupancy of these spaces is 109 occupants. The second level of the structure includes an existing dwelling unit which has been in continuous lawful operation since 1975 as well.

The structure currently has an attached garage on its northwest side and an exterior parking area with two parking spaces nonconforming to size and location, all accessed from an existing driveway and curb cut in the front along East Bde Maka Ska Parkway. Existing pedestrian entrances include a front entry near the southwest corner of the structure accessed by a concrete walkway and stairs to the public sidewalk and a rear entrance accessed from paver walkways to both the front off-street parking area and the public alley at the rear of the property.

At the very back of the property is a dirt area directly adjacent to the public alley which users of the subject property have used for additional off-street parking. This area is nonconforming to size and location requirements for off-street parking (see Zoning Analysis section below). Directly to the west is a 4.5-foot retaining wall which separates the dirt area used for parking along the alley from an existing gravel driveway crossing the entire width of the subject property. This driveway, subject to an effective easement agreement covering the affected properties, is primarily used by residents of the adjacent property to the north for vehicle access to their property via existing driveways which access the alley at a point south of the subject property. The remainder of the subject property generally slopes down toward the west and is lightly vegetated including walking paths in the rear yard northeast of the structure.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area generally consists of low-density residential uses. Bde Maka Ska is located west of the subject property directly across East Bde Maka Ska Parkway. Designated Goods and Services Corridors are located four blocks east and north of the subject property along Hennepin Avenue and Lake Street West, respectively.

The adjacent property to the north at 3329 East Bde Maka Ska Parkway is a two-story single-family dwelling constructed in 1904. The adjacent property to the south at 3347 East Bde Maka Ska Parkway is a 2.5-story single-family dwelling also constructed in 1904. The public right-of-way directly in front of the subject property includes 24 bicycle parking spaces.

A portion of the adjacent property to the south and extending to the west into the public right-of-way is a steep slope, defined in Section 551.460 of the City of Minneapolis Code of Ordinances (MCO) as land having an average slope of 18% or greater for a minimum horizontal distance of 10 feet and a minimum vertical distance of 50 feet. In this case, the steep slope runs from a high elevation at the contour 873 feet to a low elevation at the contour 862 feet. This slope occurs over a horizontal distance of approximately 55.3 feet for an average slope of 19.9%. The existing front pedestrian entrance for the Minnesota Zen Meditation Center is approximately 37.2 feet from the top of this steep slope.

PROJECT DESCRIPTION. The applicants are proposing to demolish the existing attached garage and construct a 766 square foot addition to the north side of the structure. The addition would include space on the main level for a larger zendo as well as finished basement-level space below including a new exterior pedestrian entrance near the northwest corner of the structure. One of the rooms currently used as zendo overflow space would retain the same function following construction of the addition for total proposed zendo capacity of 128 occupants.
Other planned accessibility improvements include new wooden front entry stairs/landings at the southwest corner of the structure, modifications to the existing rear entry, interior remodeling to create main-level restrooms, and a redesign of the front parking area to provide one off-street parking space in addition to turnaround and loading space. The front parking area would continue to utilize the existing front driveway.

**ZONING ANALYSIS.**

**Steep slope**

Section 551.460 of the MCO defines “development” in part as:

*Development.* The erection, construction, reconstruction, relocation or enlargement of any structure except walkways, stairways, retaining walls, light poles, piers, docks and similar structures where accessory to a public park [...].

Because construction of the proposed front entrance stairs and landings at the southwest corner of the structure is considered development and would be within 40 feet of the top of the steep slope described above, a variance is required for that aspect of the proposal. Other proposed improvements including the addition and parking area changes on the north side of the structure are not on or within 40 feet of the top of a steep slope and therefore no steep slope variance is required for those aspects of the proposal.

**Minimum off-street parking requirement**

The dirt area along the alley at the rear of the subject property is nonconforming to size and location. Though it has historically been used for parking, the Zoning Administrator has determined that this area cannot be used for parking (and therefore cannot factor into minimum required off-street parking calculations) if it is not paved and made conforming with the surfacing requirements of Section 541.300 of the MCO. The applicants have indicated that they do not intend to pave this area or use it for off-street parking in the future, so it is not factored into the minimum off-street parking requirements for the subject property.

Section 541.170 of the MCO requires a minimum of one additional off-street parking space for the dwelling unit on the property. This same section also sets a minimum off-street parking requirement for place of assembly uses equal to 10% of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio unity. For the purposes of calculating the minimum off-street parking requirement for this proposal, the zendo is considered the main auditorium and adjacent rooms regularly functioning as overflow spaces are included in this calculation. Building code occupancy limits are used for determining capacity of these spaces. Fractions above ½ are rounded up to the nearest space.

Section 541.220 of the MCO provides that the minimum off-street parking requirement for a non-residential use in this case may be reduced by one space due to the provision of bicycle parking exceeding 25% of the minimum off-street parking requirement, as described above. Both the bicycle reduction and the one space required for the dwelling unit remain unchanged by the proposed project.

The existing zendo capacity is 109 occupants for an existing minimum off-street parking requirement of 11 spaces for the place of assembly and one space for the residential use, for a total of 12. Factoring the bicycle parking reduction of one space, there is a total existing minimum off-street parking requirement of 11 spaces. The subject property currently has 3 lawful off-street parking spaces (one in the attached garage and two in the front parking area which are legally nonconforming to size and location) for an existing total of 8 nonconforming spaces.

The applicants’ proposal would increase zendo capacity to 128 occupants for a proposed minimum off-street parking requirement of 13 spaces for the place of assembly use. Factoring in the residential parking requirement
and the bicycle reduction results in a total proposed minimum off-street parking requirement of 13 spaces. Their proposal would also reduce the provided off-street parking from three lawful spaces to one lawful parking space, resulting in a deficit of four spaces.

Section 541.50 of the MCO requires that:

“When the intensity of any use is increased through the addition of dwelling units, gross floor area, capacity or other unit of measurement used for determining parking and loading requirements, parking and loading facilities shall be provided for such intensification as specified in Table 541-1, Specific Off-Street Parking Requirements [...].”

The result of the proposed project is a net increase of the minimum off-street parking requirement of 4 spaces. The applicants are requesting a variance to reduce this net requirement from 4 spaces to 0 spaces.

PUBLIC COMMENTS. At the time of this report, two public comments have been received by Staff (see Attachments). Any additional correspondence received prior to the public meeting will be forwarded on to the Zoning Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to develop within 40 feet of the top of a steep slope in the SH Shoreland Overlay District for expansion of existing front entrance landings and stairs, based on the following findings:

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.

   Practical difficulties exist in complying with the ordinance because of circumstances unique to the property which were not created by the applicants and are not economic in nature. As described above, the steep slope near the subject property extends within 40 feet of the existing building entrance at the southwest corner of the structure, including the existing landing and stairs. These factors preceded the applicants’ ownership of the subject property as well as the City’s current zoning ordinance. Furthermore, the presence of a steep slope is considered a unique circumstance within Minneapolis and is found to constitute a practical difficulty. Any construction of new stairs or landings in this area, including in-kind replacements of the existing stairs and landings, constitutes development in the SH Shoreland Overlay District and would require a variance.

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.

   The proposed project would be consistent with the applicable guidance and policies of Minneapolis 2040 (2020):

<table>
<thead>
<tr>
<th>Future Land Use</th>
<th>Guidance</th>
<th>Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Neighborhood</td>
<td>Urban Neighborhood is a predominantly residential area with a range of allowed building types. May include small-scale institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities,</td>
<td>The existing uses of the subject property as a place of assembly and one dwelling unit are consistent with its Future Land Use</td>
</tr>
</tbody>
</table>
etc.) scattered throughout. Like the Neighborhood Mixed Use category, commercial uses can continue serving their existing commercial function. Commercial zoning is appropriate for these properties, while expansion of commercial uses and zoning into surrounding areas is not encouraged.

### Built Form Guidance

**Interior 2**

New and remodeled buildings in the Interior 2 district should be small-scale residential. Individual lots are permitted to have up to three dwelling units. Multifamily buildings with more than three units are permitted on larger lots. Limited combining of lots is permitted. Building heights should be 1 to 2.5 stories.

The existing structure on the subject property is three stories with a proposed one-story addition on the north side. One dwelling unit exists on the property which would remain throughout this project. These are consistent with the Future Built Form Guidance for the property.

The following policies and action steps from *Minneapolis 2040* (2020) apply to this proposal:

**Policy 97. Preserving and Enhancing Public Lakes and Waterways: Ensure ongoing preservation and improvement of the natural and built environment near the city’s lakes and waterways.**

- a. Regulate development of land adjacent to public waters in a manner that preserves and enhances the quality of surface waters while also preserving their economic and natural environmental value.
- d. Consider design approaches that encourage creative solutions for transitions between varying intensities of building types and land uses.
- f. Regulate setbacks, orientation, pattern, materials, height and scale of new small scale residential buildings in a manner that is consistent with adjacent property.

The spirit and intent of the ordinance regarding development on or near the tops of steep slopes in the SH Shoreland Overlay District is to preserve and enhance the environmental qualities of surface waters and the natural and economic values of shoreland areas within the city, to provide for the efficient and beneficial utilization of those waters and shoreland areas, to comply with the requirements of state law regarding the management of shoreland areas, and to protect the public health, safety, and welfare. The applicants’ stated intent for constructing the new entry landings/stairs near the southwest corner of the structure is to improve access and usability compared to the existing entry, particularly regarding building code accessibility requirements. Staff finds that these particular aspects of the applicants’ proposal are 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 proposed variance would not alter the essential character of the locality or be injurious to the use or enjoyment of the subject property, nearby properties, or the public right-of-way. The proposed entry stairs and landings would replace existing features and serve the same function with improved accessibility for users of the subject property. Though the footprint of the proposed improvements is slightly larger than those
existing, the proposed stairs and landings remain sufficiently separated from adjacent properties, the public right-of-way, or nearby public waters and should not result in increased off-site impacts.

**ADDITIONAL STANDARDS FOR VARIANCES WITHIN THE SH SHORELAND OVERLAY DISTRICT**

In addition, the Zoning Board of Adjustment shall consider, but not be limited to, the following factors when considering conditional use permit or variance requests within the SH Shoreland Overlay District:

1. **The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**
   
   The applicants are proposing to replace the existing entrance stairs and landings near the southwest corner of the structure with a larger footprint and limited excavation for installation of concrete footings during construction. Though this area generally slopes toward Bde Maka Ska to the west, the subject property is sufficiently separated from the lake, including by East Bde Maka Ska Parkway, to mitigate potential soil erosion or other pollution reaching protected waters. Staff recommendation for this variance includes conditions that the applicant provide and follow an erosion control plan demonstrating best management practices.

2. **Limiting the visibility of structures and other development from protected waters.**
   
   The existing structure including the front entrance near the southwest corner of the subject property is largely visible from protected waters due to its location directly across East Bde Maka Ska Parkway. Though the proposed front entry stairs and landings will be slightly taller than those existing to meet building code accessibility requirements and will have a slightly larger footprint, the increased size will not substantially increase the visibility of these improvements from protected waters.

3. **The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**
   
   There are no watercraft proposed as part of this variance request.

**ADDITIONAL STANDARDS TO PERMIT DEVELOPMENT ON A STEEP SLOPE, WITHIN 40 FEET OF THE TOP OF A STEEP SLOPE OR BLUFF, OR WITHIN 50 FEET OF THE ORDINARY HIGH WATER MARK OF ANY PROTECTED WATER IN THE SH SHORELAND OVERLAY DISTRICT:**

In addition, the Zoning Board of Adjustment shall consider, but not be limited to, the following factors when considering variance requests to allow development on a steep slope, within 40 feet of the top of a steep slope or bluff, or within 50 feet of the ordinary high water mark of any protected water within the SH Shoreland Overlay District:

1. **Development must currently exist on the steep slope or within forty (40) feet of the top of a steep slope within five hundred (500) feet of the proposed development.**
   
   Development currently exists within 40 feet of the top of this steep slope within 500 feet of the proposed development including the existing principal structure and front entry stairs and landings on the subject property.

2. **The foundation and underlying material shall be adequate for the slope condition and soil type.**
   
   The applicants are proposing to use concrete footings for the wooden entry stairs and landings. The applicant attests to the suitability of the underlying soils and materials as well as construction methods for the proposed improvements in consideration of the existing slope condition and soil type of this portion of the property.

3. **The development shall present no danger of falling rock, mud, uprooted trees or other materials.**
The footprint of the proposed front entry stairs and landings largely covers a portion of the yard where existing stairs and landings are located. The expanded footprint would be close to an existing retaining wall (less than one foot tall) at the southwest corner of the structure but not be near any significant rocks or trees. Proposed soil disturbance and excavation is limited to that required for installation of concrete footings and does not create potential for falling rock, mud, uprooted trees, or other materials.

4. The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with the surrounding physical context.

The existing appearance of the slope from the protected water, including the subject property and other nearby properties, is that of a developed residential area including principal structures and landscaped improvements. The proposed development would not substantially impact the existing view of the subject property from protected waters.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum off-street parking requirement from 13 spaces to 9 spaces, where 8 spaces are nonconforming, based on the following findings:

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.

Staff does not find that practical difficulties exist in complying with the ordinance because of circumstances unique to the property which support the proposed variance to reduce the minimum off-street parking requirement to 1 parking space, a reduction of 4 spaces. The subject property is relatively large with a lot area of 17,310 square feet and is subject to a maximum impervious surface coverage of 60% of the total lot area. The impervious surface coverage of the applicants’ proposed plans is approximately 33.9%.

The zoning ordinance requires minimum dimensions of 8 feet 6 inches wide by 18 feet deep for a lawful parking space. Furthermore, a 22-foot two-way drive aisle is required (measured perpendicular to the width of the parking space) and off-street parking spaces in this case must comply with the district standard minimum interior side yard of 9 feet from the north lot line. Therefore, adding the four parking spaces required for compliance with the zoning code in this case would require the addition of at least 1,360 square feet of impervious surfacing above what is already proposed. On its own, this additional surfacing constitutes approximately 7.9% of the total lot area. Therefore, the applicant could likely add these additional parking spaces while remaining compliant with maximum impervious surface requirements of the zoning ordinance.

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.

The proposed project would be consistent with the applicable guidance and policies of *Minneapolis 2040* (2020):

<table>
<thead>
<tr>
<th>Future Land Use</th>
<th>Guidance</th>
<th>Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Neighborhood</td>
<td>Urban Neighborhood is a predominantly residential area with a range of allowed building types. May include small-scale institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. Like the</td>
<td>The existing uses of the subject property as a place of assembly and one dwelling unit are consistent with its Future Land Use Guidance and would not change as part of this project.</td>
</tr>
</tbody>
</table>
Neighborhood Mixed Use category, commercial uses can continue serving their existing commercial function. Commercial zoning is appropriate for these properties, while expansion of commercial uses and zoning into surrounding areas is not encouraged.

<table>
<thead>
<tr>
<th>Built Form Guidance</th>
<th>Guidance</th>
<th>Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior 2</td>
<td>New and remodeled buildings in the Interior 2 district should be small-scale residential. Individual lots are permitted to have up to three dwelling units. Multifamily buildings with more than three units are permitted on larger lots. Limited combining of lots is permitted. Building heights should be 1 to 2.5 stories.</td>
<td>The existing structure on the subject property is three stories with a proposed one-story addition on the north side. One dwelling unit exists on the property which would remain throughout this project. These are consistent with the Future Built Form Guidance for the property.</td>
</tr>
</tbody>
</table>

The following policies and action steps from *Minneapolis 2040 (2020)* apply to this proposal:

**Policy 5. Visual Quality of New Development:** Ensure a high-quality and distinctive physical environment in all parts of the city through building and site design requirements for both large and small projects.

  g. Apply design standards, guidance, and regulation consistently across the city regardless of market conditions or rent structure of development.

**Policy 6. Pedestrian-Oriented Building and Site Design:** Regulate land uses, building design, and site design of new development consistent with a transportation system that prioritizes walking first, followed by bicycling and transit use, and lastly motor vehicle use.

  l. Eliminate the requirement for off-street parking minimums throughout the city, acknowledging that demand for parking will still result in new supply being built, and re-evaluate established parking maximums to better align with City goals.

  p. Discourage the establishment of and minimize the size of surface parking lots. Mitigate the negative effect of parking lots through screening, landscaping, minimizing curb cuts, sufficient number of down-cast, glare-free light fixture, and other measures.

The spirit and intent of the ordinance regarding off-street parking and loading is to recognize the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking and loading spaces and the driveways and aisles that provide access and maneuvering space. Furthermore, the ordinance in this case is intended to promote flexibility and recognize that excessive off-street parking conflicts with the City’s policies related to transportation, land use, urban design, and sustainability.

The minimum off-street parking requirement for place of assembly uses is constructed to anticipate potential demand as a function of capacity for the use (specifically, minimum requirement 10% of building code occupancy for the main gathering room(s) and adjacent spaces serving the same function) and to require the provision of additional parking facilities as necessary for expansions of uses. The zoning ordinance also specifies distinct maximum off-street parking requirements which limit the amount of parking that may be provided for a particular use. Though the proposed variance is in keeping with the comprehensive plan including the policies listed above and is in keeping with some aspects of the spirit and intent of the ordinance to provide flexibility regarding off-street parking, staff finds that the proposed variance is not in keeping with
the spirit and intent of the current zoning ordinance to provide off-street parking in response to anticipated
demand based on the proposed uses of property.

Furthermore, the applicant could retain 6 additional off-street spaces along the public alley provided they
paved this area with an approved surfacing material. This would require approximately 1,140 square feet of
additional impervious surface, or approximately 6.6% of the lot area. Though these spaces are nonconforming
to size and location and therefore don’t factor directly into minimum off-street parking requirements in this
case, paving and retaining these spaces would bring the applicants closer to compliance with the minimum
off-street parking requirements and would be more in keeping with the spirit and intent of the ordinance to
recognize and regulate the parking needs of uses and structures despite other proposed changes to parking
provisions.

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 proposed variance would not alter the essential character of the locality nor be injurious to the use or
enjoyment of other property in the vicinity. The area of the of the subject property north of the principal
structure is already used for off-street parking and the proposed improvements include accessibility
improvements between the parking area and the principal structure. The applicants’ proposal would reduce
the number of parking spaces in this area which, in turn, should reduce the potential for disturbance of the
adjacent residential property to the north due to vehicle traffic near their front and side yards. On-street
parking is available on East Bde Maka Ska Parkway near the subject property as well as bicycle parking and
dedicated pedestrian walkways nearby, including the public sidewalk and dedicated walking/bike paths on
the other side of the Parkway.

ADDITIONAL STANDARDS FOR VARIANCES WITHIN THE SH SHORELAND OVERLAY DISTRICT

In addition, the Zoning Board of Adjustment shall consider, but not be limited to, the following factors when
considering conditional use permit or variance requests within the SH Shoreland Overlay District:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

The applicants are proposing to remove much of the existing paver parking area and construct a new
bituminous parking area using the existing driveway and curb cut. The proposed parking area is smaller than
existing and would entail minimal disturbance. The portion of the property where the addition would be
constructed is relatively flat compared to other portions of the subject property and surrounding area.

2. Limiting the visibility of structures and other development from protected waters.

The existing structure and front parking area are already generally visible from protected waters due to their
location directly across East Bde Maka Ska Parkway. Though the footprint of the proposed parking area is
slightly altered from the existing footprint, the alterations would not substantially increase the visibility of
these improvements from protected waters.

3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that
the development may generate.

There are no watercraft proposed as part of this variance request.

RECOMMENDATIONS
The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by the Minnesota Zen Meditation Center for the property located at 3343 East Bde Maka Ska Parkway:

A. Variance to the SH Overlay District.

Recommended motion: Approve the variance to develop within 40 feet of the top of a steep slope in the SH Shoreland Overlay District for expansion of existing front entrance stairs and landings, subject to the following conditions:

1. Approval of final site, elevation, and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by October 1, 2022, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. The applicant shall submit an erosion control plan along with the building permit application demonstrating best management practices.
4. Erosion control measures shall be implemented prior to construction and shall remain in place until construction is complete.

B. Variance to the minimum off-street parking requirement.

Recommended motion: Deny the variance to reduce the minimum off-street parking requirement from 13 spaces to 9 spaces, where 8 spaces are nonconforming, for construction of an addition.

ATTACHMENTS

1. Zoning map
2. Oblique aerial photos
3. Written description and findings submitted by applicant
4. Survey
5. Site plan
6. Plans
7. Building elevations
8. Renderings
9. Photos
10. Public comments
1. **Proposed Use and Project Description**

**MZMC**

Minnesota Zen Meditation Center (MZMC) seeks to remodel its home, located at 3343 E Bde Maka Ska Parkway, to make it more functional and accessible. MZMC is a Minnesota 501(c)(3) nonprofit religious corporation that was formed in 1972 as the first Zen Center in the Midwest. All of MZMC’s talks, classes, and retreats are open to the public, including free meditation classes. Membership is on a pay-as-you-can basis, and many of our members and participants are low-income.

**New zendo**

For the last 45 years, MZMC’s home has been a house constructed in 1905 on the eastern shore of what is now Bde Maka Ska. As meditation has become more popular, our meditation hall (zendo)—the house’s former living room—has become more crowded. Therefore, we propose to remove a 230 s.f. 1-story addition, consisting of a garage and unheated storage space, and replace it with a 766 s.f. 1-story addition that will serve as our new zendo. This new zendo will benefit the public not only by relieving overcrowding during public talks and retreats, but also by making our building more accessible. The addition will include a handicapped-accessible rear building entrance, and it will enable us to convert a portion of our existing zendo into two new handicapped-accessible first-floor bathrooms. Our building currently lacks a handicapped-accessible entrance or a handicapped-accessible bathroom.

The Zoning Code requires a minimum of 12 parking spaces (after a 1-space bicycle reduction), based on a calculated occupant load of 128 people (99 for the new zendo and 29 for an existing adjacent multi-purpose room). This requirement is based on an occupant load formula (1 occupant per 7 sf) that significantly overstates the actual occupant load for our zendo; Zen meditators primarily sit on floor cushions, and the new zendo will accommodate only about 45 meditation cushions, not 99.

We have been advised by the City that MZMC currently has 3 conforming off-street parking spaces: two in a front parking area, and one in the adjacent garage that we plan to remove. MZMC also has 6 spots in a rear alley, but they are nonconforming as to size, location, and paving requirements.

MZMC seeks a variance from the Code’s minimum parking requirements so we will not need to replace our current front parking area with a large parking lot. To maintain our parking area at about its current size, and comply with the Code’s parking area design standards, we require a variance allowing us to have one off-street parking spot. That spot will be a handicapped accessible parking spot located at the site of our current parking area, which would be remain at approximately its current size.
Without a variance, MZMC would effectively have to convert a substantial portion of its landscaped, publicly accessible yard into a paved parking lot. The yard, located across from Bde Maka Ska, is maintained by MZMC volunteers but open to the public. It provides an urban sanctuary, with a mature tree canopy and a diversity of native plants. A public seating area provides a view of Bde Maka Ska. Weddings, charity fundraisers, and other public events are held there. A walking path is used for walking meditation during retreats and on weekday mornings. Walking meditation, along with sitting meditation, is an essential part of our practice.

Converting public landscaping to a parking lot would be harmful to the public welfare and MZMC; unnecessary to meet MZMC’s reasonable parking needs; and contrary to the Minneapolis 2040 Plan’s policies of discouraging automobile use, preserving public green space, and protecting public waters. Constructing a large parking lot in our yard would require removing groundcover and greenery, as well as awkwardly rerouting our walking meditation path. Parking has never been a significant issue at MZMC, and it will continue to be a non-issue even with a larger zendo. So many of our members and guests use alternative means of transportation—biking, walking, bus, ride-sharing—that the ample nearby street-parking is more than adequate to meet our needs. Therefore, we seek a variance allowing us to complete the project while maintaining one conforming parking spot.

Remodeled front entrance

We also seek to remodel our main front entrance to make it safer and to comply with the building code. The building code requires the surfaces on both sides of a door to be on the same level and a minimum size. Currently, the stoop is 7 inches lower than the interior floor level, and it is too small to meet code. We plan to raise the exterior landing to the height of the interior floor, and enlarge it to accommodate an area of rescue assistance for a handicapped person in accordance with the Minnesota Accessibility Code as well as the Americans With Disabilities Act. We will also widen the steps that lead up to the landing from the existing concrete sidewalk. Because this improvement is within 40 feet of the top of a steep slope in the SH Shoreland Overlay District, a variance is required.
2. Variance Reducing Minimum Off-Street Parking Requirements (New Zendo)

(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 circumstances upon which the parking variance is requested are unique to the property due to the limited availability of area within the lot to provide additional parking. A steep slope exists at the rear (east side) of the site. Approximately one-third of the subject property is located on or within 40’ of the top of this slope. The steep slope is retained by a stone wall that is approximately 6 feet tall, and above this wall are a public alley right-of-way and 6 parking spaces which are nonconforming as to size, location, and paving requirements. It would be very impractical and extremely expensive to add additional parking at the rear of the site off the public alley due to this significant grade change. Paving the existing parking adjacent to the elevated alley would likely result in additional stormwater runoff into the public alley due to the difficulty of directing stormwater over the retaining wall to the pervious area of the site without causing damage to the retaining wall over time. Below the retaining wall exists a private alleyway which provides access through an easement to the properties to the north which cannot be accessed via the upper public alley due to the grade change. Additional parking cannot be provided in this area because of the easement for driveway purposes. Constructing spaces at the front of the site accessed by the existing curb cut on Bde Maka Ska Parkway would create parking adjacent to the sideyard of the neighboring residential property the north. Additionally, doing so would encroach upon the Zen Center’s open space which is used for walking meditation. These circumstances have created a practical difficulty in complying with the off-street parking requirements which is not economic alone.

(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.

MZMC’s proposed continued use of its yard as landscaped, publicly accessible green space is reasonable and consistent with the spirit and intent of the ordinance and the 2040 Plan.

The parking ordinance’s stated purposes are as follows:

Parking and loading regulations are established to recognize the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking and loading spaces and the driveways and aisles that provide access and maneuvering space. The regulations promote flexibility and recognize that excessive off-street parking conflicts with the city's policies related to transportation, land use, urban design, and sustainability. (§ 541.10.)

Requiring 12 spaces would exceed MZMC’s needs, be incompatible with MZMC’s surroundings near Bde Maka Ska, and conflict with Minneapolis’ policies related to transportation, land use, urban design, and sustainability, as set forth in the City’s 2040 Plan.
The 2040 Plan discourages private automobile use, and it encourages preserving public green space and protecting public waters. Requiring MZMC to build a large paved parking lot across from Bde Maka Ska would contravene the following Plan provisions:

Policy 6. Pedestrian-Oriented Building and Site Design: Regulate land uses, building design, and site design of new development consistent with a transportation system that prioritizes walking first, followed by bicycling and transit use, and lastly motor vehicle use.

Action steps:

. . . Eliminate the requirement for off-street parking minimums throughout the city, acknowledging that demand for parking will still result in the supply being built, and re-evaluate established parking maximums to better align with City goals.

Policy 16. Environmental Impacts of Transportation: Reduce the energy, carbon, and health impacts of transportation through reduced single-occupancy vehicle trips and phasing out of fossil fuel vehicles.

Action steps:

. . . Increase availability and attractiveness of public transportation and non-motorized modes, and continue to disincentivize driving. . . .

Policy 13. Landscaping: Require landscaping in conjunction with new development that complements its surroundings and enhances the built environment.

Action steps:

Encourage larger, well-placed, contiguous planting areas that create and define public and private spaces, and acknowledge the roles smaller, disconnected areas can play in supporting diverse ecologies. . . .

Promote landscaped areas that include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities. . . .

Encourage and identify opportunities to integrate green roofs, living walls, and porous pavement into development, acknowledging that these practices are not meant to be a substitute for ground-level landscaping of sites as landscaping provides both a natural amenity and aesthetic beauty to the urban landscape.
Policy 14. Tree Canopy and Urban Forest: Improve the tree canopy and urban forest.

Action steps:

. . . Explore . . . requirements for . . . additions to existing buildings to retain mature trees . . .

Policy 24. Shared Mobility: Position Minneapolis to benefit from upcoming changes to vehicle ownership models while supporting a shared use mobility network.

Policy 73. Stormwater Management: Manage natural areas in and around surface waters, as well as stormwater ponds and other stormwater treatment facilities, as areas supportive of aquatic and terrestrial ecosystems.

Action steps:

. . . Encourage and require reductions in amounts of impervious surfaces.

Policy 74. Integration of Water Management into Development: Integrate water resource management into public and private projects in order to benefit natural systems.

Action steps:

. . . Encourage, facilitate, or require the use of best management practices that minimize or reduce the impact of impervious cover, including . . . minimizing the extent of paved surfaces . . .

Policy 97. Preserving and Enhancing Public Lakes and Waterways: Ensure ongoing preservation and improvement of the natural and built environment near the city’s lakes and waterways.

Action steps:

Regulate development of land adjacent to public waters in a manner that preserves and enhances the quality of surface waters while also preserving their economic and natural environmental value.

Recognize and promote the value of the built environment and landscape as an asset that enhances community identity and a sense of place.

Increase habitat and natural areas around . . . natural water bodies while maintaining and prioritizing stormwater function . . .

In addition, Policy 53 provides:

Quality of Life: Perpetuate a high quality of life for Minneapolitans that includes safe, open and welcoming cultural and social institutions, as well as natural and built infrastructure.
[Provide] cultural and social capital that cannot be found everywhere: . . . cultural institutions. . ., unique sites, . . . interesting neighborhoods and . . . strong public, civic, religious and nonprofit institutions. . . .

This policy acknowledges that Minneapolis’ quality of life is improved when there are strong public, civic, religious, and nonprofit institutions. The proposed project will allow MZMC to better serve the community and support its continued success as a valuable part of the city’s cultural and institutional fabric. The construction of unnecessary surface parking in MZMC’s yard would harm the quality of life of the many people who visit or pass by MZMC’s 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.

The requested variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The character of the surrounding neighborhood consists of a mix of residential uses in a variety of densities, religious uses, and public parkland. In granting the variance, this neighborhood character would be maintained and would result in a benefit to the community. Reducing the off-street parking would allow for greater use of the subject property and would benefit and enhance use of the adjacent properties by retaining open space and natural vegetation and canopy trees, and by encouraging more religious and cultural activity in the neighborhood.

The potential impact of providing fewer off-street parking spaces is mitigated by available transportation alternatives. Frequent public transit service is within easy walking distance of the site (on Hennepin Ave and along 36th and Lake Streets) and there are first-class bicycle and pedestrian paths in front of the property through Bde Maka Ska Park. The site is an excellent location to prioritize alternative modes of transport over cars.
Shoreland Overlay District Variance:

(1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

The variance will help preserve MZMC’s landscaping and reduce the replacement of soil with pavement, thereby preserving soil and decreasing runoff into Bde Maka Ska. The addition will be constructed in a relatively flat area of the site. During construction, the applicant’s general contractor and subcontractors will utilize erosion control practices. If the proposed variance is granted the site area that will be disturbed will be significantly reduced resulting in less construction site and potential erosion to manage and the decreased impervious surface area will reduce stormwater and snowmelt runoff. Also, the proposed lot coverage ratio is significantly less than the surrounding properties.

(2) Limiting the visibility of structures and other development from protected waters.

A variance reducing the number of parking spots will not increase the visibility of structures and other development from protected waters. On the contrary, granting a variance will help avoid converting landscaped greenery into a paved parking lot. Therefore, to the extent the property is visible from Bde Maka Ska, granting a variance will reduce the visibility of development (a parking lot and cars) from the lake.

(3) The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

This standard is not applicable to the proposed variance, which will not generate watercraft use.

3. Variance Permitting Development in the SH Overlay District Within 40 Feet of the Top of a Steep Slope (Front Entrance Remodel)

(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 building owner seeks to remodel the existing main front entrance to make it safer and to comply with the building code. The building code requires the surfaces on both sides of a door to be on the same level and a minimum size. Currently, the stoop is 7 inches lower than the interior floor level, and it is too small to meet code. We plan to raise the exterior landing to the height of the interior floor, and enlarge it to accommodate an area of rescue assistance for a handicapped person in accordance with the Minnesota Accessibility Code as well as the Americans With Disabilities Act. The steps leading up to the landing will be widened with intermediate landings and then connect to the existing concrete sidewalk leading to the public sidewalk. A practical difficulty exists in complying with the ordinance because the existing main entrance is at the southwest corner of the building, which is within 40 feet of the top of a steep slope to the west of the property. This main entrance existed before the current owners bought the property 45 years ago.
(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.

There is no change in the existing permitted use caused by the proposed improvement of the entrance access. Because, absent the Shoreland Overlay requirements, this improvement is a permitted setback obstruction, it is in keeping with the spirit and intent of the ordinance and 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 proposed wooden entrance steps and landing will be in keeping with the residential character of surrounding properties. This variance, if granted, will improve the health, safety, and welfare of the public and of those utilizing the property because it will permit the building’s main entrance to comply with the building code, the Minnesota Accessibility Code, and the Americans With Disabilities Act.

**Shoreland Overlay District Variance:**

(1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

Normal construction best management erosion control methods will be employed during the remodeling, and plant materials disturbed by the construction activities will be repaired.

(2) Limiting the visibility of structures and other development from protected waters.

The proposed entrance steps and landings will not be visible from the lake.

(3) The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

Not applicable.

**Grading and Filling:**

a) The smallest amount of bare ground will be exposed for as short a time as feasible.

b) Best management practices to prevent erosion and trap sediment will be employed to ensure that soil loss levels do not degrade the protected water.

c) Fill will be stabilized to accepted building code standards.
**Removal of Vegetation:**

a) No clear cutting of vegetation will be done, except as necessary for the new steps and landings and subject to the requirements of this article and Chapter 535, Regulations of General Applicability.

b) Selective removal of vegetation will be done subject to the requirements of this article and Chapter 535, Regulations of General Applicability, and sufficient vegetative cover will remain to screen structures when viewed from the protected water.

c) Vegetation will be restored to the extent feasible after the construction project is completed to retard surface runoff and soil erosion and to provide screening. Restoration will be completed as soon as feasible, but in no case later than the beginning of the next growing season following the completion of the project.

d) Best management practices to prevent erosion and trap sediment will be employed to ensure that soil loss levels do not degrade the protected water.

**Steep Slope Variance:**

(1) Development must currently exist on the steep slope or within forty (40) feet of the top of a steep slope within five hundred (500) feet of the proposed development.

The current entrance exists within 40 feet of the top of a steep slope and the proposed variance is asking to improve the existing entrance pathway.

(2) The foundation and underlying material shall be adequate for the slope condition and soil type.

The existing soil is adequate to support the very light loads imposed by the post foundations of the entrance steps and landings.

(3) The development shall present no danger of falling rock, mud, uprooted trees or other materials.

There is no danger of falling rock, mud or uprooted trees in the area of the proposed remodeled entrance pathway.

(4) The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with the surrounding physical context.

Due to the proximity of the steps and landings to the ground and the existing plant materials, there will be little if any adverse effect to the surrounding physical context.
Facing east, front of property, entrance to current parking area on left
Facing east, current parking area, old addition to be replaced by new zendo on right
Facing west, old addition, current parking area
Facing south, old addition, current parking area
Facing east, current parking area, northern neighbor’s property, walking path entrance, public seating, retaining wall
Facing north, current parking area, northern neighbor’s property
Facing northeast, edge of parking area, walking path, public seating area, retaining wall
Facing east, walking path, public seating, retaining wall
Facing southeast, walking path, retaining wall
Facing west, rear entrance
Facing north, retaining wall and lower alley
Facing northwest, upper alley nonconforming parking spots
Facing north, street parking
Facing east, walkway to front entrance, southern neighbor's property
MZMC Photos of 3343 E Bde Maka Ska Parkway

Walkway to front entrance
MZMC Photos of 3343 E Bde Maka Ska Parkway

Front entrance
Hi,
I’m not sure who to direct this to. I’ve heard the Zen Center addition includes an additional bathroom. There are 4-5 houses that are on a shared sewer line with the Zen Center (I’m not clear on terminology- I know it is an unusual sewer setup). There’s been instances where a downhill house sewer issue has caused backup issues with another house further up on the line. We are uphill of the Zen Center, so we are concerned about any sewer work, increased load etc on this line.
Thx, Leslie Hale

Sent from my iPhone
[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.
Hi,
I’m not sure who to direct this to. I’ve heard the Zen Center addition includes an additional bathroom. There are 4-5 houses that are on a shared sewer line with the Zen Center (I’m not clear on terminology- I know it is an unusual sewer setup). There’s been instances where a downhill house sewer issue has caused backup issues with another house further up on the line. We are uphill of the Zen Center, so we are concerned about any sewer work, increased load etc on this line.
Thx, Leslie Hale

Sent from my iPhone
[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.
Dear City Planner,

My name is Jessi Knudson and I am the owner of the property directly (behind) east of the Minnesota Zen Center. My husband and I have lived at this residence for 13 years. This letter confirms our support of the request for variances made by Wayne Moskowitz, on behalf of the Zen Center. We believe the proposed variances to develop on or within 40 ft of the top of a steep slope in the SH Shoreland Overlay District and reduce the minimum off-street parking requirement are reasonable requests. The addition would be an improvement to the neighborhood and result in an overall increase in property value.

Please relay our support to the Zoning Board of Adjustment.

Thank you for your consideration.

Respectfully submitted,
Jessi Knudson & Zack Rethlake
3344 Irving Ave S, Minneapolis, MN 55408
612-483-7515

[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.