

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3641

Date: July 26, 2007

Applicant: Luis Caire, on behalf of Juan Sanchez

Address of Property: 1609 Lake Street E

Contact Person and Phone: Luis Caire, (612) 290-1701

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: June 20, 2007

Public Hearing: July 26, 2007

Appeal Period Expiration: August 6, 2007

End of 60 Day Decision Period: August 19, 2007

Ward: 9 **Neighborhood Organization:** Powderhorn Park Neighborhood Association
East Phillips Improvement Coalition

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: A an expansion of an existing restaurant

Proposed Variance: A variance to reduce the required off-street parking from 26 spaces to 9 spaces, where 4 spaces are grandfathered to allow for an addition to an existing restaurant located at 1609 Lake Street East in the C1 Neighborhood Commercial District.

Zoning code section authorizing the requested variance: 525.520 (7)

Background: The subject site is an interior lot that is 46 by 128 feet (5,923 sq. ft.). The subject lot currently contains a mixed use building with a restaurant, La Que Buena, and two registered residential units on the second level.

In August of 2001 the site received a variance to reduce the required off-street parking spaces from 21 to 9 spaces where 4 are grandfathered (BZZ-247).

The applicant is proposing to add a 900 square foot first floor addition to the rear of the building to increase the seating area of the restaurant. The proposed rear addition does not result in the loss of any

of the existing parking area. The applicant currently has five onsite parking spaces and has grandfather rights to four parking spaces based on historical parking requirements. The increased seating area results in an increase of the required off-street parking spaces from 21 spaces to 26 spaces.

In effect, the current application to reduce the off-street parking from 26 to 9 spaces is a variance to reduce the off-street parking from 26 to the previously approved 21 spaces, a 5 parking space reduction.

Findings Required by the Minneapolis Zoning Code:

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

The applicant has requested a variance to reduce the required off-street parking from 26 to 9 spaces to allow for an expansion of an existing restaurant. There is no room for increased off-street parking on the site. The site is located on a bus line making transit very accessible.

In 2001 the property received a variance to reduce the off-street parking from 21 to 9 spaces for a restaurant. Staff believes that the minimal expansion of the restaurant is a reasonable use of this property and that strict adherence of the Zoning Ordinance would cause undue hardship.

- 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 circumstance for which the variance is sought is unique to the parcel of land and has not been created by the applicant. The subject site does not permit an area sufficient enough in size to allow for all of the required off-street parking. The subject site is adjacent to multiple bus lines along Lake Street making transit access readily available.

- 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.**

Granting the variance will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the area. The expansion of the restaurant will result in the need for five additional parking spaces. There is ample on-street parking located on both 16th and 17th Avenue South. In addition, the site is located on Lake Street which is well served by a bus line.

The property had a minor site plan review as part of its original variance approval in 2001. It is not evident if the site is compliance with this minor site plan review. The intent of site plan review is to ensure that negative impacts from parking areas are appropriately mitigated.

- 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 variance would not likely increase congestion in the area or increase the danger of fire safety, nor would the proposed parking reduction variance be detrimental to welfare or public safety. While a restaurant use has a higher requirement for parking than the previous office use, staff does not believe that expansion of this establishment will negatively impact the surrounding neighborhood.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required off-street parking from 26 spaces to 9 spaces, where 4 spaces are grandfathered to allow for an addition to an existing restaurant located at 1609 Lake Street East in the C1 Neighborhood Commercial District with the following condition:

1. The subject site shall be in compliance with previously approved minor site plan review as part of the previous parking variance, BZZ-247, granted in August 2001.