

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-3554

**Date:** June 7, 2007

**Applicant:** Luis Caire, on behalf of Equity Builders

**Address of Property:** 2849 Central Avenue Northeast

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

**Planning Staff and Phone:** Molly McCartney, 612-673-5811

**Date Application Deemed Complete:** May 7, 2007

**Appeal Period Expiration:** June 18, 2007

**End of 60 Day Decision Period:** July 6, 2007

**Ward:** 1      **Neighborhood Organization:** Audubon Park

**Existing Zoning:** C2 Neighborhood Corridor Commercial District

**Proposed Use:** Conversion of a dwelling unit to an office in a commercial building

**Proposed Variance:** A variance to reduce the off-street parking requirement from 11 parking spaces to 7 spaces to allow for an office at 2849 Central Avenue Northeast in the C2 Neighborhood Commercial Corridor District.

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

**Background:** The subject property is commercial building with two uses, restaurant and one dwelling unit, on a corner lot at the intersection of Central Avenue Northeast and 29<sup>th</sup> Avenue Northeast. The site also received a parking variance from 11 to 7 spaces for the restaurant in 2004. The parking lot has 7 parking spaces and is also in compliance with parking lot design and maintenance as well as landscaping. The applicants are proposing to remodel the dwelling unit into an office. The off-street parking requirement for this space will increase from one parking space to 4 parking spaces.

The applicant has not supplied information about the type of office space that will inhabit the office space. Only allowed office uses that have a parking requirement of 4 spaces or less would be allowed in the subject space. Other uses that are not allowed in the C2 District or uses that have a larger parking requirement than 4 spaces would not be permitted.

**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 is seeking a variance to reduce the required number of off-street parking spaces from 11 to 7 spaces for the conversion of a dwelling unit into an office. Due to the size of the building and lot, the parking lot can not accommodate the number of spaces required for the office. Strict adherence to zoning code regulations would prevent this space from being used for any type of use that has a parking requirement greater than 1 space.

- 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 circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. This parking area is not large enough to accommodate the number of spaces required by the zoning code for the proposed office which is an allowed use in the C2 District.

- 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 subject site is located in on a commercial street, which has a mixture of commercial land uses. This section of Central Avenue Northeast is designated in The Minneapolis Plan as a Commercial Corridor. While there are residential dwellings to the south and east of the property, the property directly to the south is a licensed auto repair shop. Converting this dwelling unit to a commercial space will not alter the character of the area. The commercial office

- 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. The office space is likely to be used more during the day, at a time when the restaurant may not be at full capacity. In addition, Metro Transit provides all day bus service along Central Avenue Northeast, there is a bus stop at the corner of Central and 29<sup>th</sup>.

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**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 off-street parking requirement from 16 parking spaces to 7 spaces to allow for an office at 2849 Central Avenue Northeast in the C2 Neighborhood Commercial Corridor District, subject to the following conditions:

1. That the Planning Division review and approve building permits for interior renovation