

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3160

Date: August 17, 2006

Applicant: Robert Dubnecay, dba JoeyD's

Address of Property: 3101 East 42nd Street

Contact Person and Phone: Robert Dubnecay, (763) 561-5757

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: July 25, 2006

Public Hearing: August 17, 2006

Appeal Period Expiration: August 28, 2006

End of 60 Day Decision Period: September 25, 2006

Ward: 12 **Neighborhood Organization:** Standish Ericsson Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: Expansion of an existing restaurant

Proposed Variance: A variance to reduce the required number of off-street parking stalls from 20 spaces to 0 spaces, where 9 spaces are grandfathered, to allow for the expansion of an existing restaurant.

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

Background: The subject site is a reverse corner lot that is approximately 100 ft. x 70.4 ft. (7,042 sqft) and consists of a 5,000 sqft, one story building. The structure was built in 1930 and the parking for the subject property consists of only on-street parking. There are a total of four tenant spaces in the existing building. Two of the tenant spaces are currently occupied; the existing restaurant JoeyD's on the northwest corner of the building and a beauty salon in the south west corner of the building that faces 31st Avenue South. The two remaining tenant spaces are currently vacant. The applicant is proposing to expand the existing restaurant into the vacant tenant space to the east and increase the total floor area of the restaurant by 712 sqft to allow for additional seating area and a new bathroom.

The parking requirement for a restaurant is based on thirty (30) percent of the occupancy of persons, where one person is permitted per fifteen (15) square feet of floor area devoted to seating and lobby area for customers. The existing floor area of the seating area and lobby of the restaurant is 429.25 sqft. Based on the floor area, 9 parking stalls would be required for the use, which has been grandfathered in. The applicant is proposing to increase the seating and lobby area by an additional 611 sqft. Therefore the total proposed floor area devoted seating area and lobby will be 1040.25 sqft and a total of 21 spaces would be required. The applicant has proposed to install bicycle parking for four (4) bikes on the property, which will be equivalent to providing one (1) parking stall. Therefore, the applicant is applying for a variance to reduce the parking requirement for the expansion of an existing restaurant from 20 spaces to 0, where 9 spaces are grandfathered.

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.**

Parking reduction: The applicant is seeking a variance to reduce the required number of off-street parking spaces from the required 21 spaces to 0 spaces. The applicant states that the restaurant is intended to serve residents and patrons in the neighborhood who will walk or bike to the business. Strict adherence to the regulations would not allow for the proposed expansion of the restaurant based on the parking requirement. The site plan shows the existing structure, which occupies the majority of the site and does not allow for an area devoted to off-street parking. Based on the submitted information, the proposed expansion to the restaurant is a reasonable use of the property, with the addition of the proposed bicycle rack.

- 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.**

Parking reduction: The circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. The subject site is the only parcel in the immediate surrounding area zoned commercial. The property is located in a residential neighborhood surrounded by R1A zoned properties. The subject site does not permit any area sufficient enough in size to allow for any off-street parking area. To install any parking spaces would require significant front yard and interior side yard setback variances. In addition, a new curb cut would be required as none currently exists. The configuration of the property are not circumstances 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.**

Parking reduction: 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 applicant has stated that the new restaurant will serve surrounding area residents who will either walk or bike to the property. To increase the opportunity for patrons to arrive at the site via alternative transportation modes, staff recommends that the applicant incorporate bicycle racks on the site or in the adjacent public right of way. In addition, the restaurant will provide an additional viable local amenity for the neighborhood. The subject site is located in between two transit station pedestrian overlay districts near the LRT that support the preserving and encouraging of the pedestrian character of commercial areas and promoting street life. In addition, the applicant has stated that two bus lines run near the subject site.

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.**

Parking reduction: 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 some other more general retail uses, staff does not believe that the expansion of the existing restaurant will negatively impact the surrounding neighborhood. The applicant will be providing a new bicycle rack and there are two bus lines as well as on-street parking in the area and the property is located near two pedestrian overlay districts.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** variance to reduce the required number of off-street parking stalls from 20 spaces to 0 spaces, where 9 spaces are grandfathered, to allow for the expansion of an existing restaurant located at 3101 East 42nd Street in the C1 Neighborhood Commercial District subject to the following conditions:

1. That the Planning Division review and approve final site and floor plans.
2. Bicycle racks shall be provided to accommodate no fewer than four (4) bicycles on the property. The bicycle parking may be located in the public right-of-way with permission of the city engineer.